

Washington, Tuesday, December 20, 1938

Rules, Regulations, Orders

TITLE 7—AGRICULTURE AGRICULTURAL ADJUSTMENT ADMINISTRATION

AMENDMENT NO. 1 TO "REGULATIONS GOVERNING (A) APPLICATIONS AND HEARINGS UNDER SECTION 363 OF TITLE III OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938 RELATING TO ADMINISTRATIVE REVIEW OF MARKETING QUOTAS FOR TOBACCO, CORN, WHEAT, COTTON AND RICE ESTABLISHED UNDER SAID TITLE AND (B) THE PUBLICATION AND NOTICE OF SUCH QUOTAS UNDER SECTION 362 OF SAID ACT (PUBLIC, NO. 430—75TH CONGRESS—52 STAT. 31, AS AMENDED)" 1

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act of 1938, the above described regulations are hereby amended as follows:

Section 401 of Article IV is amended to read as follows:

"Sec. 401. Establishment. eligible farmers shall be designated to serve on a review committee for a county, a group of counties, a community, or group of communities, and of the farmers so designated one shall be named chairman, and another vice-chairman, of such committee. In the absence of the chairman, the vice-chairman shall perform the duties and exercise the powers of the chairman and in the absence of both the chairman and the vice-chairman, the other regular member shall, as acting chairman, perform the duties and exercise the powers of the chairman. No review committee shall include any member of the county or community committee through which was determined any matter relating to any quota for the review of which the review committee is established. Subject to the provisions of this section and of section 400 of this article, the same farmer may be designated to serve on more than one review committee. Not

more than three additional eligible farmers may be designated as alternate members of the committee, to serve in the event of the absence of any regular members thereof or in case of any vacancies in the committee, provided that not more than two such alternates may serve concurrently. The alternates shall be called upon for service in the order of their appointment except where a hearing will be unduly delayed by this procedure, the person acting as chairman may call upon the alternate who is the most readily available for service."

Section 502 of Article V is amended to read as follows:

"SEC. 502. Time and place of hearing. Such hearing shall be held at the time and place set forth in the notice of hearing, or in any subsequent notice amending or superseding the prior notice, and also may, without notice other than an announcement at the hearing by the chairman of the review committee, in the exercise of the discretion of the committee, be continued from day to day, or adjourned to a different place in the county or to a later date, or to a date and place to be fixed in a subsequent notice to be issued in the manner provided in sections 500 and 501 of this article. In the event a full committee of three is not present, those members present, or in the absence of the entire committee, the clerk, shall postpone the hearing; provided, however, that at the request, or with the consent of the applicant, a hearing conducted by two members of the committee, one of whom shall be a regular member, shall be deemed to be a regular hearing of the committee as to such case, and the determination made by such members shall constitute the determination of the review committee."

Section 503 of Article V is amended to read as follows:

"Sec. 503 Conduct and scope of hearing. Except as otherwise provided in these regulations, every such hearing shall take place before the entire review committee and shall be presided over by the chairman thereof. The hearing shall be publicly conducted. The com-

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mittee shall provide for the taking of such notes at the hearing as will enable it to make a written summary of the relevant evidence received at the hearing. A stenographic transcript of the testimony received shall be made if (a) the applicant requests such transcript and provides for the making thereof and for the payment of the expenses therefor, or (b) the State committee requests that such transcript be made. Immediately upon the completion of any such transcript made at the request of the applicant, three legible copies thereof shall be furnished to the review committee without charge. The committee shall consider only such matters as, under the applicable provisions of the act and regulations of the Secretary of Agriculture thereunder, are required to be considered by the county committee in the Stockyards Act_____ 3045 establishment of the quota sought to be

reviewed. The review committee shall not give consideration to any evidence which is irrevelant to the determination of the quota for the applicant. The hearing shall be conducted in a manner determined by the committee to be conducive to the proper dispatch of business and the attainment of justice.'

Done at Washington, D. C., this 16th day of December, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE, Secretary of Agriculture.

[F. R. Doc. 38-3791; Filed, December 17, 1938; 12:24 p. m.]

TITLE 9-ANIMALS AND ANIMAL PRODUCTS

BUREAU OF ANIMAL INDUSTRY

[B. A. I. Order 368]

EXPORTATION AND IMPORTATION ANIMALS AND ANIMAL PRODUCTS

REGULATIONS GOVERNING THE INSPECTION AND QUARANTINE OF LIVESTOCK IMPORTED FROM OR EXPORTED TO MEXICO

DECEMBER 16, 1938.

By virtue of Article XII of a convention between the United States of America and the United Mexican States as ratified by the two Governments on January 17, 1930, and under the authority otherwise vested in the Secretary of Agriculture by law, the following regulations are hereby prescribed on the part of the United States governing, the movement of livestock between the United States and Mexico in order to safeguard more effectually the livestock interests of the respective countries through the prevention of the introduction of infectious and contagious diseases. regulations supersede all previous regulations governing the movement of livestock between the United States and. Mexico, and shall become effective on January 16, 1939.

[SEAL] H. A. WALLACE. Secretary of Agriculture.

PART 93-SPECIAL REGULATIONS GOVERNING EXPORT AND IMPORT OF LIVESTOCK TO AND FROM MEXICO 1

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¹ Amends 9 CFR Part 93 (B. A. I. Order 327).

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Regulation 1

SEC. 93.1 Definitions. Whenever in these regulations the following names or terms are used they shall be construed as follows:

- (a) Department. United States Department of Agriculture.
- (b) Bureau. Bureau of Animal Industry of the United States Department of Agriculture.
- (c) Chief of Bureau. Chief of the Bureau of Animal Industry of the United States Department of Agriculture.
- (d) Inspector. A veterinary inspector of the Bureau of Animal Industry of the United States Department of Agriculture.
- (e) Horses. Horses, mules, and asses.
- (f) Fever tick. Boophilus annulatus, including variety australis.
- (g) Permitted dip. A dip permitted by the Bureau of Animal Industry to be used in the official dipping of cattle and horses for fever ticks and for dipping cattle and sheep for scabies. (34 Stat. 1263; 21 U.S.C. 80, 81, 82, 86; Secs. 4, 5, 23 Stat. 32 as amended; 21 U.S.C. 113; Sec. 1, 26 Stat. 833, 45 Stat. 789; 45 U. S. C. 75; Secs. 6, 7, 8, 10, 26 Stat. 416-417; 21 U. S. C. 102-105; Secs. 1 and 2, 32 Stat. 791, 792; 21 U.S. C. 111, 112, 113. 120)

IMPORTATIONS FROM MEXICO

Regulation 2

SEC. 93.2 Designated ports of entry. With the approval of the Secretary of the Treasury, the following-named ports and subports are hereby designated for the entry of livestock from Mexico:

On the seacoasts: Boston, Mass.; New York, N. Y.; Baltimore, Md.; Jacksonville, Fla.; San Juan, Puerto Rico; New Orleans, La.; Galveston, Tex.; San Diego. Los Angeles, and San Francisco, Calif.; and Seattle, Wash. Along the international boundary: Brownsville, Hidalgo, Rio Grande, Roma, Laredo, Eagle Pass, Del Rio, and El Paso, Texas; Douglas, Naco, and Nogales, Ariz.; and Calexico and San Ysidro, Calif.

All horses, ruminants, and swine for importation from Mexico shall be entered through one of the aforenamed ports: Provided, however, That in special cases other ports may be designated the, sheep, goats, and swine imported loss or damage to any other cattle in the

by the Chief of Bureau with the con- from Mexico for slaughter shall be concurrence of the customs authorities. (Sec. 7, 26 Stat. 416; 21 U. S. C. 102)

Regulation 3

SEC. 93.3 Permits required. For ruminants and swine intended for importation by water from Mexico, the importer shall first obtain from the Secretary of Agriculture of the United States a permit in two sections, one for presentation to the American consul at the port of embarkation, the other for presentation to the collector of customs at the port of entry specified therein, providing for reception of the said animals at the specified port on the date prescribed for their arrival or at any time during 3 weeks immediately following, after which time the permit shall be void. A permit shall not be available for the landing of such animals at any port of entry other than the one mentioned therein, and they shall not be eligible for entry if shipped from or through any other foreign port than that designated in the permit. Permits will be issued for entry at any port named in section 93.2 (regulation 2) that the importer may elect, as far as quarantine facilities are there available, but permits for importation will not be granted in excess of the accommodations provided at any port. (Secs. 6, 7, 8, 10, 26 Stat. 416, 417 as amended; 21 U.S.C. 102-105)

Regulation 4

SEC. 93.4 Declaration of purpose. For all cattle, sheep, goats, and swine offered for importation from Mexico, there shall be presented to the collector of customs, at the time of entry, a statement signed by the owner or importer showing clearly the purpose for which said animals are to be imported. (Secs. 6, 7, 8, 10, 26 Stat. 416, 417 as amended; 21 U.S.C., 102-105)

Regulation 5

Sec. 93.5 Inspection at port of entry. Except as provided in paragraphs (b) and (c) of section 93.11 (regulation 11). all horses, ruminants, and swine offered for entry from Mexico, including such animals intended for movement by rail through the United States in bond for immediate return to Mexico, shall be inspected at the port of entry and all such animals found to be free from communicable disease and fever tick infestation, and not to have been exposed thereto, shall be admitted into the United States subject to the other provisions of these regulations. Animals found to be affected with a communicable disease or infested with fever ticks, or to have been exposed thereto, shall be refused entry, except as provided in sections 93.8 and 93.11 of this part (regulations 8 and 11 of this order). (Secs. 6, 7, 8, 10, 26 Stat. 416, 417 as amended; 21 U. S. C., 102-105)

Regulation 6

Sec. 93.6 Animals for slaughter. Cat-

signed from the port of entry to some recognized slaughtering center and there slaughtered within 2 weeks from the date of entry: Provided That, upon special permission obtained from the Chief of Bureau, they may be reconsigned to other points and there slaughtered within the period aforesaid. (Secs. 6, 7, 8, 10, 26 Stat. 416, 417 as amended; 21 U. S. C., 102-105)

Regulation 7

SEC. 93.7 Cattle—(a) Cattle from other than tick-infested areas. Except as provided in paragraph (b) of this section, all cattle offered for importation from Mexico shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he inspected the said cattle at the time of movement to the port of entry and found them free from any evidence of infectious or contagious disease, and that, as far as it has been possible to determine, they have not been exposed to any such disease, including splenetic, southern, or tick fever, during the preceding 60 days, and if shipped by rail the certificate shall further specify that the cattle were loaded into clean and disinfected cars for transportation direct to the port of entry. They shall also be accompanied by a certificate of the importer or his agent supervising the shipment, stating that while en route to the port of entry they have not been trailed or driven through any district or area infested with fever ticks.

- (b) Cattle from tick-infested areas. Cattle which have been infested with or exposed to fever ticks may be imported from Mexico into the State of Texas, provided the following conditions are strictly observed and complied with:
- (1) The cattle shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he has inspected the cattle and found them free from fever ticks and any evidence of infectious or contagious disease, and that, as far as it has been possible to determine, they have not been exposed to any such disease, except splenetic, southern, or tick fever, during the 60 days immediately preceding their movement to the port of entry.
- (2) The cattle shall be shown by affidavit of the owner or his agent to have been dipped in an arsenical solution containing a minimum of 0.22 per cent of arsenious oxide in solution, within 7 to 12 days before being offered for entry.
- (3) The importer, or his agent duly authorized thereto, shall first execute and deliver to an inspector at the port of entry an application for inspection and supervised dipping wherein he shall agree to waive all claims against the United States for any loss or damage to the cattle occasioned by or resulting from dipping, or resulting from the fact that they are later found to be still tick infested; and also for all subsequent

possession or control of such importer showing that the animals have been sub- from Mexico for slaughter shall be acwhich may come into contact with the jected to a blood test for Bang's disease companied by a statement of the owner cattle so dipped.

- (4) The cattle when offered for entry shall receive a chute inspection by an inspector. If found free from ticks they shall be given one dipping in a permitted dip under the supervision of an inspector 7 to 14 days after the dipping required by sub-paragraph (2) hereof. If found to be infested with fever ticks, the entire lot of cattle shall be rejected and will not be again inspected for entry until 10 to 14 days after they have again been dipped in the manner provided by subparagraph (2) hereof.
- (5) The cattle shall be imported through a port designated in section 93.2 of this part (regulation 2 of this order) equipped with facilities necessary for proper inspection and dipping.
- (6) The conditions at the port of entry shall be such that the subsequent movement of the cattle can be made without exposure to fever ticks.
- (c) Action in absence of certificates. In the absence of certificates specified in paragraphs (a) and (b) of this section (regulation), cattle otherwise eligible for importation may be allowed entry subject to such conditions as the Chief of Bureau may prescribe: Provided, That the provisions of section 93.8 of this part (regulation 8 of this order) must be strictly complied with. (Secs. 6, 7, 8, 10, 26 Stat. 416, 417; Sec. 2, 44 Stat. 775; 46 Stat. 1460; 21 U. S. C. 102-105)

Regulation 8

SEC. 93.8 Tuberculin and Bang's disease test for cattle—(a) Tuberculin Test. All cattle offered for importation from Mexico-except strictly range cattle and those for immediate slaughter-shall be accompanied by a satisfactory certificate of tuberculin test signed by a salaried veterinarian of the Mexican Government, which test shall have been made within 30 days preceding the date of importation. The date and place of such testing and a description of the cattle, including breed, ages, and markings, shall be given in such certificate. In the absence of said certificate such cattle, if otherwise eligible for importation, shall be detained in quarantine at the port of entry for a period of not less than 3 days, during which time they shall be tuberculin tested.

(b) Bang's disease test. (1) All dairy or breeding cattle 6 months of age or older offered for importation from Mexico—except strictly range cattle and those for immediate slaughter—shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government

showing that the animals have been subjected to a blood test for Bang's disease (infectious abortion), with negative results, within 30 days of the date of their exportation. The said certificate shall give the date and method of testing, names of the consignor and consignee, and a description of the cattle with breed, ages, and markings.

(2) In special cases and upon permission first obtained from the Chief of Bureau, said cattle unaccompanied by a certificate as provided in the preceding sub-paragraph (b) (1) may be quarantined at the port of entry and tested for Bang's disease by such method as may be approved by the Chief of Bureau; and those failing to pass said test shall be refused entry and, unless returned to the country of origin, shall be disposed of as provided by section 8 of the act of August 30, 1890. (26 Stat. 416) (Secs. 6, 7, 8, 10, 26 Stat. 416, 417; Sec. 2, 44 Stat. 775; 46 Stat. 1460; 21 U. S. C. 102-105)

Regulation 9

SEC. 93.9 Sheep and goats 2—(a) Sheep and goats for purposes other than slaughter. Sheep and goats offered for importation from Mexico, for purposes other than slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that, as a result of a careful physical examination by him of such sheep and goats on the premisse of origin, no evidence of infectious or contagious disease was found, and that, so for as it has been possible to determine. they have not been exposed to any such disease common to animals of their kind during the preceding 60 days; and, if the animals are shipped by rail, the certificate shall further specify that the animals were loaded into cleaned and disinfected cars for transportation direct to the port of entry. Notwithstanding such certificate, such sheep shall be detained at the port of entry until they have been dipped once under supervision of an inspector, in a permitted scables dip. In the absence of such certificate. said sheep shall be held in quarantine for not less than 10 days and, at the discretion of the inspector, shall be again dipped under his supervision. Goats unaccompanied by such certificate shall be detained at the port of entry for a period of not less than 10 days, during which time they shall be subjected to such inspections and tests as may be deemed necessary by the Chief of Bureau to determine their freedom from disease.

(b) Sheep and goats for slaughter. Sheep and goats offered for importation from Mexico for slaughter shall be accompanied by a statement of the owner or vendor showing that no disease communicable to animals of their kind has existed on the premises on which they have been kept during the preceding 60 days. Such sheep and goats, when not accompanied by the statement specified, shall be detained at the port of entry for a period of not less than 3 days in order to determine their freedom from disease. Secs. 6, 7, 8, 10, 26 Stat. 416, 417; Sec. 2, 44 Stat. 775; 46 Stat. 1460; 21 U. S. C. 102–105)

Regulation 10

SEC. 93.10 Swine 3—(a) Swine for breeding or feeding. All swine offered for importation from Mexico for breeding or feeding shall be accompanied by a certificate signed by a salaried veterinarian of the Mexican Government showing that for a period of 60 days prior to their movement from the premises on which they were kept no swine plague or hog cholera has existed within a radius of 5 miles therefrom. In addition, all such swine shall be immunized against hog cholera under the supervision of an inspector at the port of entry at the owner's expense in accordance with one of the methods recognized by the Department for preventing the spread of this disease. In the absence of the certificate as herein specified, such swine shall be detained at the port of entry for a period of not less than 2 weeks and, in addition to immunization against hog cholera, shall be subjected to such inspections and tests as may be deemed necessary by the Chief of Bureau to determine their freedom from disease.

(b) Swine for slaughter. All swine offered for importation from Mexico for slaughter shall be accompanied by a certificate of the kind specified in paragraph (a) of this section (regulation). In the absence of the required certificate. such swine shall be detained at the port of entry for a period of not less than 3 days to determine their freedom from disease. They shall be handled and shipped as specified under section 93.6 of this part (regulation 6 of this order). (Secs. 6, 7, 8, 10, 26 Stat. 416, 417; Sec. 2, 44 Stat. 775; 46 Stat. 1460; 21 U.S.C. 102-105)

Regulation 11

SEC. 93.11 Horses—(a) Horses from tick-infested areas. Horses offered for importation from tick-infested areas of Mexico shall be chute inspected unless in the judgment of the inspector a satisfactory inspection can be made otherwise. If they are found to be apparently

¹ It has been determined that the incidence of tuberculosis is much less than one-half of 1 percent among range cattle in the northern States of Mexico, where importations of this class of cattle originate. Such cattle, however, will be subject to the tuberculin-test requirements of the State of destination.

² Certificates will not be required for wild sheep, deer, and other wild ruminants originating in and shipped direct from Mexico, but said animals are subject to inspection at the port of entry as provided in section 93.5 of this part (regulation 5 of these regulations).

³ A certificate as specified in this section (regulation) will not be required for wild swine for exhibition purposes, and such animals will not be required to undergo immunization against hog cholera but are subject to inspection at the port of entry as provided in section 93.5 of this part (regulation 5 of these regulations).

United States they shall be dipped once in a permitted arsenical solution or be otherwise treated in a manner approved by the Chief of Bureau. If they are found to be infested with fever ticks they shall be refused entry but may be reoffered for importation following treatment as prescribed in paragraph (b) (2), of section 93.7 (regulation 7), for cattle from tick-infested areas.

(b) Mexican horses for temporary stay. Horses used in connection with stock raising (cow ponies) or mining and those for other purposes, whether for pleasure, driving, or teaming, may be admitted from the tick-free area of Mexico without inspection for a temporary stay at ports along the border, not exceeding a period of 10 days.

(c) American horses returning after temporary stay in Mexico. Horses may be returned to the United States from tick-free areas of Mexico without inspection, after a stay in Mexico of not to exceed 10 days. (Secs. 6, 7, 8, 10, 26 Stat. 416, 417; Sec. 2, 44 Stat. 775; 46 Stat. 1460; 21 U.S. C. 102-105)

EXPORTATIONS TO MEXICO

Regulation 12

SEC. 93.12 Inspection and certification. No horses, cattle, other domestic ruminants or swine shall be exported to Mexico until they have been inspected in the manner prescribed by the Chief of Bureau. If, upon such inspection, they are found to be free from communicable disease or exposure thereto, they shall be accompanied by a certificate to that effect issued or endorsed by an inspector. The inspection required by this section (regulation) may be made at any place at which an inspector is available; Provided, however, That in the case of livestock for shipment to Mexico by water a final inspection shall be made at the coast port of embarkation. (34 Stat. 1263; 21 U. S. C. 80, 81, 82; Sec. 10, 26 Stat. 417; 21 U.S.C. 105; Secs. 4, 5, 23 Stat. 32, Sec. 1, 32 Stat. 791; 21 U. S. C. 112, 113, 120)

Regulation 13

SEC. 93.13 Tuberculin test. No dairy or breeding cattle shall be exported to Mexico unless they are accompanied by a certificate showing that they have passed a tuberculin test within 30 days of the date of exportation or that they are from a tuberculosis free accredited herd or a modified accredited area. Such tests may be applied either by an inspector or a duly authorized veterinarian of the Mexican Government in the United States, or by an accredited veterinarian: Provided. That the certificate of such accredited veterinarians shall be endorsed by an inspector. Test charts and certificates shall include descriptions of the cattle with ages and markings. (34 Stat. 1263; 21 U. S. C. 80, 81, 82; Sec. 10, 26 Stat. 417; 21 U. S. C. 105; Secs. 4, 5, 23

112, 113, 120)

Regulation 14

SEC. 93.14 Form of certificate. Certificates provided for in section 93.12 and 93.13 (regulations 12 and 13) shall be issued in such form and number as required by the Department of Agriculture of Mexico. (34 Stat. 1263, 21 U.S.C. 81, 82, Sec. 1, 32 Stat. 791; 21 U.S.C. 121)

Regulation 15

SEC. 93.15 Disinfection of cars or other conveyances. Livestock destined to Mexico shall be transported from the point of inspection in cars or other conveyances which have been cleaned and disinfected: Provided, however, That express cars and other conveyances not regularly used for the transportation of livestock need not be so disinfected. If such animals are transported in crates, the crates shall be constructed of new material and shall not have been previously used. (Sec. 10, 26 Stat. 417; 21 U. S. C. 105; Secs. 4, 5, 23 Stat. 32; Sec. 1, 32 Stat. 791; 21 U. S. C. 112, 120)

[F. R. Doc. 38-3789; Filed, December 17, 1938; 12:23 p. m.]

[Amendment 4 to B. A. I. Order 3661]

AMENDMENT OF ORDER TO PREVENT THE INTRODUCTION INTO THE UNITED STATES OF RINDERPEST AND FOOT-AND-MOUTH DISEASE

DECEMBER 16, 1938.

SEC. 94.1 Importation of domestic livestock or meats from countries where rinderpest or foot-and-mouth disease declared exists prohibited. Under authority conferred by law upon the Secretary of Agriculture by Section 306 of the Tariff Act of 1930, the order to prevent the introduction into the United States of rinderpest and foot-and-mouth disease (B. A. I. Order 366), dated May 27, 1938, and effective June 1, 1938, as amended,2 is hereby further amended by adding the names "Finland" and "Norway" to the list of countries in said order, as I have determined that footand-mouth disease exists in those countries and I have so officially notified the Secretary of the Treasury.

The effect of this amendment is to render commodities specified in B. A. I. Order 366, originating in Finland or Norway, subject to the provisions of said B. A. I. Order 366.

This amendment, which for purpose of identification is designated Amendment 4 to B. A. I. Order 366, (9 CFR 94.1), shall be effective on and after December 23, 1938. (Sec. 306, 46 Stat. 689, Sec. 2, 32 Stat. 792, 45 Stat. 59; 19 U.S. C. 1306 (a). (b), and (c), 21 U.S. C. 111). [B. A. I. Order 366, unnumbered paragraph 1, as

free from fever ticks, before entering the | Stat. 32, Sec. 1, 32 Stat. 791; 21 U.S. C. | amended by Amendment 1, August 27, 1938, Amendment 2, September 21, 1938, Amendment 3, November 15, 1938 and Amendment 4, December 16, 1938]

Done at Washington this 16th day of December 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE, Secretary of Agriculture.

[F. R. Doc. 38-3790; Filed, December 17, 1938; 12:23 p.m.]

TITLE 14—CIVIL AVIATION CIVIL AERONAUTICS AUTHORITY

[Regulation No. 605-B-1]

ACCESS TO AIRCRAFT BY DULY QUALIFIED AIR CARRIER INSPECTORS OF CIVIL AERO-NAUTICS AUTHORITY

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 16th day of December 1938.

Acting in accordance with the Opinion of the Authority dated September 1, 1938, and pursuant to the authority vested in it by the Civil Aeronautics Act of 1938 particularly sections 605 (b) and 205 (a) of said Act, and finding that its action is necessary to carry out the provisions of and to exercise its powers and duties under said Act, the Civil Aeronautics Authority hereby makes and promulgates the following:

REGULATION

- (a) Every air carrier shall, subject to the provisions of this regulation, carry on any aircraft which it operates and to which access is sought, without charge therefor, any duly qualified air carrier inspector of the Authority (including supervising officers of such inspectors) whose name is contained in an official list of such inspectors supplied to such air carrier by the Authority;
- (b) Upon applying for such transportation, each air carrier inspector shall exhibit to the appropriate agents of the air carrier proper credentials evidencing that he is such an inspector. He shall also sign and deliver to the carrier in duplicate a "Request for Access to Aircraft", (preferably, but not necessarily, on forms supplied by the Civil Aeronautics Authority) stating:
- (1) That he is a duly qualified inspector of the Air Carrier Inspection Section of the Authority;
- (2) That he desires access to a certain aircraft of the air carrier from a named point of departure on a designated date and hour to a named destination for the purpose of performing his official duties during flight of such aircraft; and
- (3) The basis ("space available" or "must ride") on which such request for access to such aircraft is submitted and, if such request is submitted on a "must

¹ Amending 9 CFR 94.1.

³ F. R. 1228, 2736 DI.

ride" basis, describing briefly but defi- other evidence taken before John J. case may be, as to prices, actual or connitely the nature of his business.

Keenan, an examiner of the Commis- templated or as to hids to be submitted.

The Air carrier shall retain one copy of each such request. On or before the tenth day of each month, each air carrier shall forward one copy of all such requests received by it during the second preceding calendar month to the secretary of the Civil Aeronautics Authority, Washington, D. C.

(c) This regulation shall become effective January 1, 1939, at 12:01 A. M., Eastern Standard Time.

By the Authority.

[SEAL]

PAUL J. FRIZZELL, Secretary.

[F. R. Doc. 38–3787; Filed, December 17, 1938; 10:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES FEDERAL TRADE COMMISSION

[Docket No. 2442]

IN THE MATTER OF RARITAN DISTILLERS'
CORPORATION

SEC. 3.96 (2) (5) Using misleading name-Vendor-Producer or laboratory status of dealer: SEC. 3.6 (a) (22) Advertising falsely or misleadingly-Business status, advantages or connections of advertiser-Producer status of dealer-Distiller: Sec. 3.66 (g) Misbranding or mislabeling—Producer status of dealer. Representing in connection with sale, etc., of whiskeys, gins or other spirituous beverages, through use of word "distillers" in its corporate name, on its stationery, etc., and on the labels attached to the bottles in which it sells and ships its said product, or in any other way, etc., that it is a distiller; or that said products are by it made through the process of distillation; or that it owns, operates or controls a place or places where any such products are by it manufactured by a process of original and continuous distillation from mash, wort, or wash, through continuous closed pipes and vessels, until manufacture is complete, unless and until such is the fact. prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Raritan Distillers Corporation, Docket 2442, December 3, 1938]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of December, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and

other evidence taken before John J. Keenan, an examiner of the Commission theretofore duly designated by it, in support of the allegations of the said complaint and in opposition thereto, briefs filed herein, and oral arguments by PGad B. Morehouse, counsel for the Commission, and by John W. Hilldrop, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Raritan Distillers Corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of whiskeys, gins, cordials, liqueurs, vermouths, cocktails and other alcoholic beverages in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

Representing through the use of the word "distillers" in its corporate name on its stationery, invoices, bill heads, order blanks, and on the labels attached to the bottles in which it sells and ships its said products, or in any other way by word or words of like import;

(a) That it is a distiller of whiskeys, gins, or other spirituous beverages; or

(b) That the said whiskeys, gins, and other spirituous beverages are by it manufactured through the process of distillation; or

(c) That it owns, operates or controls a place or places where any such products are by it manufactured by a process of original and continuous distillation from mash, wort, or wash, through continuous closed pipes and vessels until the manufacture thereof is complete, unless and until respondent shall actually own, operate or control such a place or places.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-3781; Filed, December 16, 1938; 1:30 p. m.]

[Docket No. 3491]

IN THE MATTER OF PITTSBURGH PLATE GLASS COMPANY ET AL.

SEC. 3.27 (b) (1) Combining or conspiring—To eliminate competition—In conspirators' goods. By agreement, and in connection with the sale in the glazing contracting business of plate, window and structural glass in interstate commerce in the St. Louis trade area, exchanging information, or entering into discussions or agreeing upon, as the

templated, or as to bids to be submitted by the various agreeing members, or formulae to be used in computing same, or as to standards of cost, whether labor or material, or amount of any item or total, or preparing and circulating schedules or information among the members declaratory and explanatory of the policies and practices of the members in the aforesaid matters, or fixing the amounts to be bid by any member, or collectively agreeing with certain labor organizations and the individual officers thereof re minimum number of employees and wages and terms to be observed by member jobbers and their competitors as prerequisite to securing glaziers to make installation, and agreeing so to exchange information, etc.; on the part of the member manufacturer, and member distributors and dealers, and certain individuals, as officers and employees thereof; and persuading or inducing aforesaid member distributors to enter into such undertakings re minimum employees, wages and terms, as above set forth, and entering into such agreements with any two or more glazing contractors or distributors, on the part of such labor organizations and officers thereof; prohibited. (Sec. 5b, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b). [Cease and desist order. Pittsburgh Plate Glass Company et al., Docket 3491, December 2, 1938]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of December, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

IN THE MATTER OF PITTSBURGH PLATE GLASS COMPANY, A CORPORATION; FRANK CLARKE, INDIVIDUALLY AND AS MANAGER OF THE ST. LOUIS, MO., BRANCH OF THE PITTSBURGH PLATE GLASS COMPANY; THE NURRE COMPANIES, INC., A CORPO-RATION: BELMONT W. BEINKE, INDIVID-UALLY AND AS MANAGER OF THE ST. LOUIS Branch of The Nurre Companies, Inc.: BURROUGHS GLASS COMPANY, A CORPO-RATION: HERBERT H. PIOU. INDIVIDUALLY AND AS VICE-PRESIDENT OF BURROUGHS GLASS COMPANY; HADLEY-DEAN GLASS COMPANY, A CORPORATION; LEO HADLEY, JR., INDIVIDUALLY AND AS MANAGER OF THE HADLEY-DEAN GLASS COMPANY: E. V. Hanser, Individually and as Secre-TARY OF THE SOUTHWEST DIVISION, NATIONAL GLASS DISTRIBUTORS' ASSO-CIATION; DISTRICT COUNCIL No. 2, of THE BROTHERHOOD OF PAINTERS, DECO-RATORS AND PAPERHANGERS OF AMERICA, St. Louis, Missouri, an Unincorpo-RATED ASSOCIATION; GLAZIERS' LOCAL Union No. 513, of the Brotherhood OF PAINTERS, DECORATORS AND PAPER-HANGERS OF AMERICA, ST. LOUIS, MIS-SOURI, AN UNINCORPORATED ASSOCIATION;

^{1 8} F. R. 283 DI.

AND AS SECRETARY OF DISTRICT COUNCIL No. 2 of the Brotherhood of Painters, DECORATORS AND PAPERHANGERS OF AMERICA; JAMES F. EGAN, INDIVIDUALLY AND AS BUSINESS AGENT OF GLAZIERS' LOCAL UNION No. 513, OF THE BROTHER-HOOD OF PAINTERS, DECORATORS AND PAPERHANGERS OF AMERICA; EDWARD W. HILL, INDIVIDUALLY AND AS BUSINESS AGENT OF GLAZIERS' LOCAL UNION NO. 513, OF THE BROTHERHOOD OF PAINTERS, DECORATORS AND PAPERHANGERS AMERICA

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and stipulations as to the facts entered into between the respondents herein and W. T. Kelley, Chief Counsel for the Commission, which provide, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein and each of them, findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Pittsburgh Plate Glass Company, a corporation, The Nurre Glass Companies, Inc., a corporation, Burroughs Glass Company, a corporation, and Hadley-Dean Glass Company, a corporation, and their officers, directors, representatives and employees, including, specifically, respondents Frank Clarke, Belmont W. Beinke, Herbert H. Piou, Leo Hadley, Jr., and E. V. Hanser, hereinafter referred to as respondent distributors, in connection with the sale, in the glazing contracting business, of plate, window and structural glass in interstate commerce in the St. Louis trade area for installation of such glass in buildings and structures, do forthwith cease and desist from:

Agreeing among themselves, or with others, to engage in, pursuant to any agreement or understanding, directly or through any corporation or other device, and from engaging in any of the following acts, practices, or policies:

- 1. Exchanging information concerning prevailing prices, or contemplated or proposed changes in prices, for plate, window or structural glass used in the glazing contracting business.
- 2. Discussing or exchanging information concerning bids to be submitted by any individual respondent for supplying and installing glass in any structure or building.
- 3. Collectively agreeing upon any formula to be used in computing bids for supplying and installing glass in any structure or building; upon standards of cost, either of labor or material, or

bids or the total amount thereof.

- 4. Preparing, publishing or circulating schedules or otherwise conveying information between or among themselves which set forth, directly or by implication, any such above policy and practice to be used in computing bids, standards of cost or other data which is designed to influence or determine the amount of any item of any contemplated bid or the total thereof.
- 5. Fixing or establishing by agreement the amount to be bid by any individual respondent for supplying and installing any such glass in any building or structure.
- 6. Collectively cooperating with respondent District Council No. 2 or Glaziers' Local Union No. 513, of the Brotherhood of Painters, Decorators and Paperhangers of America, St. Louis, Missouri, or Lawrence M. Raftery, James F. Egan or Edward W. Hill, or any other labor organization or representative thereof, in requiring or agreeing that glazing contractors competing with respondent distributors be compelled to employ four glaziers, or any other specified number, steadily at the rate of \$12.00 per day each, or any other specified figure, as a condition to securing glaziers to install glass in any structure or building, or collectively agreeing to any such requirement as applicable to themselves.
- 7. Collectively cooperating in any way with the respondents named in the preceding paragraph in requiring that glazing contractors competing with respondent distributors in supplying glass for installation in any building or structure must have such glass glazed on the premises as a condition to securing glaziers to install such glass, or collectively agreeing, to any such requirement as applicable to themselves:
- 8. Collectively continuing, renewing or by joint action complying with or carrying into effect any agreement to accomplish anything prohibited by this order.
- It is further ordered, That respondents District Council No. 2 of the Brotherhood of Painters, Decorators and Paperhangers of America, St. Louis, Missouri, an unincorporated association, and Glaziers' Local Union No. 513, of the Brotherhood of Painters, Decorators and Paperhangers of America, St. Louis, Missouri, an unincorporated association, and Lawrence M. Raftery, individually and as Secretary of said District Council No. 2, and James F. Egan and Edward W. Hill, individually and as business agents of said Glaziers' Local Union No. 513, in connection with the supplying and installation of glass in structures or buildings in interstate commerce in the St. Louis trade area, do forthwith cease and desist from:
- 1. Persuading or inducing respondent distributors collectively to agree among themselves to the requirement that they must employ four glaziers, or any other specified number, steadily at the rate of tages or connections of advertiser-

LAWRENCE M. RAFTERY, INDIVIDUALLY | upon the amount of any item of such \$12.00 per day each, or any other given figure, as a condition to securing glaziers to install glass supplied by such distributors for any structure or building, or the requirement that all such glass must be glazed upon the premises for which the same has been supplied by such distributors;

2. Entering into any collective agreement incorporating the above terms, conditions, or requirements with any two or more glazing contractors or distributors, or enforcing any such agreement heretofore made.

It is further ordered, That the respondents herein and each of them shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F.R. Doc. 38-3780; Filed, December 16, 1938; 1:29 p. m.]

[Docket No. 3362]

IN THE MATTER OF FIRESIDE INDUSTRIES, INC.

SEC. 3.6 (e) Advertising falsely or misleadingly—Dealer assistance: SEC. 3.72 (1) Offering deceptive inducements to purchase-Sales assistance. Representing, in connection with the sale of its home study courses for the decoration of furniture, toys, lamp shades, and other novelties, that its customers have all of its resources at their command and these are available for their use and benefit, or that it purchases articles from its customers or acts as their sales agent, or does other than perform the function of an advisor and counsellor on sales problems, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Fireside Industries, Inc., Docket 3362, December 6, 19381

SEC. 3.6 (f) Advertising falsely or misleadingly-Demand or business opportunities: Sec. 3.6 (h) Advertising falsely or misleadingly—Fictitious guarantees: SEC. 3.72 (i) Offering deceptive inducements to purchase-Money back guarantee. Representing, in connection with the sale of its home study courses for the decoration of furniture, toys, lamp shades, and other novelties, that financial failure is impossible for those who engage in the business advocated by respondent, and that it guarantees success to its customers, and that its offer to refund the purchase price to its customers is backed by a gold bond, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Fireside Industries, Inc., Docket 3362, December 6, 19381

SEC. 3.6 (a) (19) Advertising falsely or misleadingly—Business status, advanOrganization and operation. Repre-1 the District of Columbia, do forthwith senting, in connection with the sale of cease and desist representing: its home study courses for the decoration of furniture, toys, lamp shades, and other novelties, that its organization is a guild or association of persons formed for mutual protection or aid, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Fireside Industries, Inc., Docket 3362, December 6, 19381

SEC. 3.6 (W) Advertising falsely or misleadingly - Refunds. Representing, in connection with the sale of its home study courses for the decoration of furniture, toys, lamp shades, and other novelties, that its offer to refund the purchase price to its customers is backed by a gold bond, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Fireside Industries, Inc., Docket 3362, December 6. 1938]

SEC. 3.6 (a) (20) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser-Authorities and personages connected with. Falsely representing, in connection with the sale of its home study courses for the decoration of furniture, toys, lamp shades, and other novelties, that it has counsellors or agents in Europe, pro-(Sec. 5b, 52 Stat. 112; 15 hibited. U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Fireside Industries, Inc., Docket 3362, December 6, 1938]

United States of America-Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of December, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

ORDER TO CEASE AND DESIST

This proceeding having been heard 1 by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Robert S. Hall, an examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, briefs filed herein, oral argument not having been requested, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Fireside Industries, Inc., a corporation, its officers, representatives, agents and employees, in connection with the offering for sale, sale and distribution of home study courses for the decoration of novelties, unpainted and undecorated furniture, toys, lamp shades and other novelties, in interstate commerce or in

- (1) That its customers have all of its resources at their command and that these resources are available for their use and benefit;
- (2) That financial failure is impossible for those who engage in the business advocated by it and that it guarantees success to its customers;
- (3) That its organization is a guild or association of persons formed for mutual protection or aid;
- (4) That its offer to refund the purchase price to its customers is backed by a gold bond;
- (5) That it purchases articles from its customers or acts as their sales agent. or does other than perform the function of an adviser and counsellor on sales problems:
- (6) That it has counsellors or agents in Europe when such is not the fact.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAT.]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-3784; Filed, December 17, 1938; 9:35 a. m.]

[Docket No. 2771]

IN THE MATTER OF THE GROVE LABORA-TORIES, INC.

Sec. 3.6 (t) Advertising falsely or misleadingly-Qualities or properties of product. Representing that a preparation designated "Grove's Laxative Bromo Quinine," etc., or any other preparation containing the same or similar ingredients, etc., is a cold remedy; or a "complete" treatment for colds; or that it will kill, fix, or expel colds, or give the final touch in expelling colds; or will drive out or clean out poisonous infection or eliminate, destroy, or break up cold infection, or fortify the system: or that it has a germicidal effect; or will stop a cold in its tracks, or the first day, or in twenty-four hours, or in the fastest time on record; or that it will afford "thorough" and "complete" relief from colds: and making any representations of a like or similar import, prohibited. (Sec. 5b, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Grove Laboratories, Inc., Docket 2771, December 7, 1938]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1938.

Commissioners: Garland S. Ferguson. Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

ORDER TO CEASE AND DESIST

This proceeding having been heard 1 by the Federal Trade Commission upon the amended complaint of the Commission, the amended answer of respondent, stipulation as to the facts in lieu of testimony and documentary evidence, briefs filed herein, and oral argument by William T. Chantland, counsel for the Commission, and by W. Keane Small, counsel for respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, The Grove Laboratories, Inc., its officers, representatives, agents and employees, in connection with the offering for sale, sale and distribution in interstate commerce or in the District of Columbia of a preparation now designated variously as "Laxative Bromo Quinine," "Groves Laxative Bromo Quinine," and "Bromo Quinine." or any other preparation containing the same or similar ingredients or possessing the same or similar properties, whether sold under those names or under any other names, do forthwith cease and desist, directly or indirectly, or through any corporate or other device:

- 1. From representing: That said preparation is a cold remedy; that it is a "complete" treatment for colds; that it will kill, fix, or expel colds, or give the final touch in expelling colds; that it will drive out or clean out poisonous infection or eliminate, destroy, or break up cold infection, or fortify the system: that it has a germicidal effect; that it will ston a cold in its tracks, or the first day, or in 24 hours, or in the fastest time on record: or that it will afford "thorough" and "complete" relief from colds.
- 2. From making any representations of a like or similar import to those above set out.
- It is further ordered. That the respondent shall, within sixty (60) days after service upon it of this order. file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-3800; Filed, December 19, 1938; 9:29 a. m.]

[Docket No. 2959]

IN THE MATTER OF SWEETS COMPANY OF AMERICA, INC.

SEC. 3.99 (b) Using or selling lottery devices-In merchandising. Seiling, etc., candy so packed, etc., that sales thereof to general public are to be, or may be, made by means of a lottery, etc.. as specified, prohibited. (Sec. 5b. 52

¹³ F. R. 1283 DI.

¹² F. R. 107 (137 DI).

Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Sweets Company of America, Inc., Docket 2959, December 7, 1938]

SEC. 3.99 (b) Using or selling lottery devices—In merchandising. Supplying, etc., to dealers, packages or assortments of candy which are, or may be, used to conduct a lottery, etc., in the sale, etc., of said products to the public, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Sweets Company of America, Inc., Docket 2959, December 7, 1938]

SEC. 3.99 (b) Using or selling lottery devices—In merchandising. Supplying, etc., to dealers for sale to the public, packages or assortments of uniform individually wrapped pieces of candy and of different colors, with larger pieces or any other merchandise, which are to be, or may be given as prizes to purchasers procuring pieces of a particular color, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Sweets Company of America, Inc., Docket 2959, December 7, 1938]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L., Davis, William A. Ayres, Robert E. Freer.

ORDER TO CEASE AND DESIST

This proceeding having been heard 1 by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Miles J. Furnas and William C. Reeves, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein and oral arguments by Henry C. Lank, counsel for the Commission, and Louis H. Solomon, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Sweets Company of America, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy in interstate commerce or in the District of Columbia, do forthwith cease and desist:

1. Selling and distributing candy so packed and assembled that sales of such candy to the general public are to be made or may be made by means of a lottery, gambling device or gift enterprise.

2. Supplying to or placing in the hands of dealers packages or assortments of candy which are used or which may be used to conduct a lottery, gambling device or gift enterprise in the sale or distribution of said candy contained in the said packages or assortments to the public.

3. Supplying to or placing in the hands of dealers for sale to the public packages or assortments of candy composed of individually wrapped pieces of candy of uniform size and shape and of different colors, together with larger pieces of candy or any other merchandise, which said larger pieces of candy or other merchandise are to be or may be given as prizes to the purchasers procuring pieces of said candy of a particular color.

It is further ordered That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38–3802; Filed, December 19, 1938; 9:30 a. m.]

[Docket No. 3113]

IN THE MATTER OF WILLIAM A. WOODBURY SALES CO., INC., ET AL.

SEC. 3.6 (a) (22) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser-Producer status of dealer—Manufacturer. Representing, in connection with the sale, etc., of cosmetics, dentifrices. shaving creams, toilet supplies, etc., that respondents, or any of them, are the manufacturers thereof, unless and until such respondents actually own and operate, etc., a factory wherein such products are actually so manufactured by them, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, William A. Woodbury Sales Co., Inc., et al., Docket 3113, December 8, 1938]

SEC. 3.6 (c) Advertising falsely or misleadingly—Composition of goods: SEC. 3.96 (a) (1) Using misleading name—Goods—Composition. Representing as "Turtle Oil Cream" any emulsion of fats and oils, or any other preparation, which does not have turtle oil as a principle ingredient therein, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, William A. Woodbury Sales Co., Inc., et al., Docket 3113, December 8, 1938]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

IN THE MATTER OF WILLIAM A. WOODBURY SALES CO., INC., A CORPORATION, WILLIAM A. WOODBURY, RICHARD PICARD, AND ARTHUR BAUM, INDIVIDUALLY AND AS OFFICERS OF WILLIAM A. WOODBURY SALES CO., INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard 1 by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence taken before William C. Reeves, an examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, briefs filed herein by Floyd O. Collins, counsel for the Commission, and by Isaac Reiss, counsel for respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, William A. Woodbury Sales Company, Inc., a corporation, its officers, representatives, agents, and employees, and respondents, William A. Woodbury, Richard Picard, and Arthur Baum, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of face creams, dental creams, shaving creams, powders, rouge and other cosmetics, dentifrices, toilet supplies and accessories and an emulsion of fats and oils now designated as "Turtle Oil Cream", in interstate commerce or in the District of Columbia, do forthwith cease and desist:

- 1. Representing, directly or in any other manner, that respondents or any of them are the manufacturers of the various preparations sold and distributed by them, unless and until such respondents actually own and operate or directly and absolutely control a factory wherein such products are actually so manufactured by them;
- 2. Using the term "Turtle Oil Cream" to designate or describe any emulsion of fats and oils, or any other preparation, which does not have turtle oil as a principal ingredient therein.

It is further ordered, That the respondent shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38–3803; Filed, December 19, 1938; 9:30 a. m.]

¹ 2 F. R. 1948 (2278 DI). No. 246---2

iterprise.

¹ 3 F. R. 852 DI.

[Docket No. 3348]

IN THE MATTER OF JACKSON UNIVERSITY, ETC.

Sec. 3.6 (a) (14) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser-Individual or private business as educational institution: SEC. 3.96 (b) (3) Using misleading name-Vendor-Individual or private business being educational institution. Representing, in connection with the sale, etc., of respondent's secretarial and business administration courses of instruction, through use of word "university" in trade name, catalogs, etc., or otherwise, that business conducted by respondent is a university or institution of higher learning, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Jackson University, etc., Docket 3348, December 7, 1938]

Sec. 3.6 (dd) Advertising falsely or misleadingly-Special offers: SEC. 3.72 Offering deceptive inducements to purchase-Special offers. Representing that students or prospective students of respondent have been specially selected for an offer of enrollment in respondent's secretarial and business administration courses of instruction, and that respondent has limited the offer of his courses to a limited number of persons in a given locality, city or county, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Jackson University, etc., Docket 3348, December 7, 1938]

SEC. 3.6 (a) (19) Advertising falsely or misleadingly-Business status, advantages or connections of advertiser-Organization and operation. Representing, in connection with the sale, etc., of respondent's secretarial and business administration courses of instruction, that respondent operates a night school, unless and until such is the fact, or that respondent's school is the most original. independent and thoroughly modern, unless and until the equipment and teaching facilities justify such descriptions or descriptions of similar import, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Jackson University, etc., Docket 3348, December 7, 1938]

SEC. 3.6 (1) Advertising falsely or misleadingly-Indorsements and testimonials: SEC. 3.18 Claiming indorsements or testimonials falsely. Falsely representing, in connection with the sale, etc., of respondent's secretarial and business administration courses of instruction, that certain named individuals have given testimonials with respect to respondent's school, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Jackson University, etc., Docket 3348, December

Sec. 3.6 (n) (2) Advertising falsely or

etc., of respondent's secretarial and bus- In the Matter of Walter Jackson, an iness administration courses of instruction, that auditing, accounting and many different systems of bookkeeping are taught in respondent's courses of instruction, or that the "World's Desire Bureau" is anything other than a medium of advertising respondent's school, or that it is separate and independent institution, or that the wisdom, knowledge and experience of the world may be taught by said bureau, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Jackson University, etc., Docket 3348, December 7, 1938]

SEC. 3.6 (m) Advertising falsely or misleadingly-Jobs and employment service. Falsely representing, in connection with the sale, etc., of respondent's secretarial and business administration courses of instruction, that respondent will procure positions for those students who complete respondent's courses of instructions, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Jackson University, etc., Docket 3348, December 7, 1938]

SEC. 3.6 (a) (11) Advertising falsely or misleadingly-Business status, advantages or connections of advertiser-Identity. Representing, in connection with the sale, etc., of respondent's secretarial and business administration courses of instruction, that the "World's Desire Bureau" is anything other than a medium of advertising respondent's school, or that it is separate and independent institution, or that the wisdom, knowledge and experience of the world may be taught by said bureau, or that the "Educational Finance Company" is a business separate and apart from respondent's school and is an innocent purchaser of respondent's negotiable paper without notice, prohibited. (Sec. 5b. 52 Stat. 112; 15 U.S.C., Supp IV, sec. 45b) [Cease and desist order, Jackson University, etc., Docket 3348, December 7, 19381

SEC. 3.51 Enforcing payments wrongfully. Representing, in connection with the sale, etc., of respondent's secretarial and business administration courses of instruction, that the "Educational Finance Company" is a business separate and apart from respondent's school and is an innocent purchaser of respondent's negotiable paper without notice, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C. Supp. IV, sec. 45b) [Cease and desist order, Jackson University, etc., Docket 3348, December 7, 1938]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1938.

Commissioners: Garland S. Ferguson, misleadingly-Nature-Product. Falsely Chairman; Charles H. March, Ewin L. representing in connection with the sale, Davis, William A. Ayres, Robert E. Freer.

INDIVIDUAL DOING BUSINESS AS JACK-SON UNIVERSITY, JACKSON UNIVERSITY OF BUSINESS, EDUCATIONAL FINANCE COMPANY, AND WORLD'S DESIRE BUREAU

ORDER TO CEASE AND DESIST

This proceeding having been heard 1 by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, Walter Jackson, an individual doing business as Jackson University, Jackson University of Business, Educational Finance Company, and World's Desire Bureau, testimony and other evidence taken before William C. Reeves, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint, brief filed by William L. Pencke. counsel for the Commission (respondent neither filing brief nor requesting oral argument), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Walter Jackson, individually and trading as Jackson University, Jackson University of Business, Educational Finance Company, and World's Desire Bureau, or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of instruction in interstate commerce or in the District of Columbia do forthwith cease and desist from:

- 1. Representing, through the use of the word "university" in the trade name. catalogs, advertising literature or otherwise, that the business conducted by respondent is a university or institution of higher learning:
- 2. Representing that students or prospective students of respondent have been specially selected for an offer of enrollment in respondent's courses;
- 3. Representing that the respondent has limited the offer of his courses of instruction to a limited number of persons in a given locality, city or county;
- 4. Representing that respondent operates a night school, unless and until such night school is in fact operated by him:
- 5. Representing in his pamphlets, circulars or otherwise that certain named individuals have given testimonials with respect to respondent's school when such is not the fact;
- 6. Representing that respondent's school is the most original, most independent and most thoroughly modern. unless and until the equipment and teaching facilities justify such descriptions or descriptions of similar import:
- 7. Representing that auditing, accounting and many different systems of bookkeeping are taught in respondent's

¹3 F. R. 870.

the fact:

- 8. Representing that respondent will procure positions for those students who complete respondent's courses of instruc-
- 9. Representing that the "World's Desire Bureau" is anything other than a medium of advertising respondent's school, or that it is separate and independent institute, or that the Wisdom, Knowledge and Experience of the World may be taught by said Bureau;
- 10. Representing that the "Educational Finance Company" is a business separate and apart from respondent's school and is an innocent purchaser of respondent's negotiable paper without notice;
- 11. Making any other representations of similar import and effect to those above set out.

It is further ordered, That the respondent shall, within sixty days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order. By the Commission.

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-3807; Filed, December 19, 1938; 9:32 a. m.]

[Docket No. 3273]

IN THE MATTER OF GIMBEL BROTHERS, INC.

SEC. 3.6 (c) Advertising falsely or misleadingly — Composition of goods: Sec. 3.66 (a) Misbranding or mislabeling-Composition. Falsely representing ladies' panties and vests, etc., as composed of or containing silk, wool or other material, or as containing a greater percentage, proportion or quantity of such materials, or any other fibre, than is actually the fact, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Gimbel Brothers, Inc., Docket 3273, December 7, 1938]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer filed herein by respondent admitting all the material allegations of the complaint to be true, but denying that the acts complained of were intentional, and waiving the taking of further evidence and all other intervening procedure, and the Commission having changing price lists exhibiting the prices, M. Hart Company, Paper Plate & Tray,

its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Gimbel Brothers, Inc., a corporation, its officers, representatives, agents and employees, in connection with the offering for sale, sale and distribution of ladies' panties and vests and other like apparel in interstate commerce or in the District of Columbia, do forthwith cease and

- 1. From representing, through labeling, branding or advertising, or through any other means or device, or in any manner, that said articles or commodities are composed of or contain silk, wool or other material, when such is not the
- 2. From representing in any manner that any such article or commodity contains a greater percentage, proportion or quantity of silk, wool, or any other fiber or material, than is actually contained therein.

It is further ordered. That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F.R. Doc. 38-3801; Filed, December 19, 1938; 9:29 a. m.1

[Docket No. 3397]

IN THE MATTER OF FOOD DISH ASSOCIATES OF AMERICA ET AL.

SEC. 3.27 (d) Combining or conspiring-To enhance, maintain or unify prices. Concertedly fixing or maintaining the prices, whether uniform or otherwise, in connection with the offer, sale and distribution of food dish trays in interstate commerce or in the District of Columbia, at which said food dish trays are thereafter to be sold, and doing any act or thing whatsoever for the purpose of carrying out or executing any agreement, understanding, arrangement or conspiracy to fix or maintain such prices, including the establishment of a price zoning system, on the part of respondent Food Dish Associates of America, respondent Durgin, individually and as secretary, treasurer and manager thereof, and various other corporations and individuals, as in the order named, and their respective officers, representatives. etc., prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Food Dish Associates of America et al., Docket 3397, December 9,

SEC. 3.27 (d) Combining or conspiring-To enhance, maintain or unify prices. Concertedly receiving and ex-

courses of instruction when such is not | made its findings as to the facts and | whether uniform or otherwise, in connection with the offer, sale and distribution of food dish trays in interstate commerce or in the District of Columbia, at which said food dish trays are thereafter to be sold, and collecting and disseminating among themselves, either directly or indirectly, or through any one of them, any information whatsoever with the purpose and effect of fixing or maintaining prices on said products, whether uniform or otherwise, and whether through discounts, zones, or any other method, on the part of respondent Food Dish Associates of America, respondent Durgin, individually and as secretary, treasurer and manager thereof, and various other corporations and individuals, as in the order named, and their respective officers, representatives, etc., prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Food Dish Associates of America et al., Docket 3397, December 9, 1938]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

IN THE MATTER OF FOOD DISH ASSOCIATES OF AMERICA, A VOLUNTARY UNINCORPO-RATED ASSOCIATION, AND ALLAN P. DUR-GIN, INDIVIDUALLY, AND AS SECRETARY, TREASURER AND MANAGER THEREOF: CHAMPION NO-LEAK PAPER DISH COM-PANY, A CORPORATION; SOUTHERN CHAM-PION TRAY COMPANY, A CORPORATION; KEYES FIBER COMPANY, A CORPORATION; STEELE-WALLACE CORPORATION, A COR-PORATION; BERST - FORSTER - DIXFIELD COMPANY, A CORPORATION; STEVENS & THOMPSON PAPER COMPANY, A CORPORA-TION; OVAL WOOD DISH CORPORATION, A CORPORATION; CRESCENT PAPER DISH-COMPANY, INC., A CORPORATION; STAND-ARD CARTON COMPANY, A CORPORATION; PAPER SPECIALTY CORPORATION, A COR-PORATION; ST. JOE-MULLEN CONTAINER CORPORATION, A CORPORATION; PAPER. PLATE & TRAY, INC., A CORPORATION; SANITARY CONTAINER CORPORATION, A CORPORATION; AMERICAN PAPER SPE-CIALTY MANUFACTURING COMPANY. A CORPORATION: LINCOLN BOX COMPANY, A CORPORATION; F. M. LONGNECKER, AN INDIVIDUAL; JOHN M. HART COMPANY, A CORPORATION: GOOCH & COMPANY, INC., A CORPORATION; AND NEWARK PAPER COMPANY, A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, Oval Wood Dish Corporation, Standard Carton Company, Sanitary Container Corporation, John

Inc., and Keyes Fiber Company, and a | and form in which they have complied | amounts in the ordinary course of busistipulation as to the facts entered into between all of the respondents herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Food Dish Associates of America, Allan P. Durgin, individually, and as Secretary, Treasurer and Manager thereof; Champion No-Leak Paper Dish Company, Southern Champion Tray Company, Keyes Fiber Company, Steele-Wallace Corporation, Berst-Forster-Dixfield Company, Stevens & Thompson Paper Company, Oval Wood Dish Corporation, Crescent Paper Dish Company, Inc., Standard Carton Company, Paper Specialty Corporation, St. Joe-Mullen Container Corporation, Paper Plate & Tray, Inc., Sanitary Container Corporation, American Paper Specialty Manufacturing Company, Lincoln Box Company, F. M. Longnecker, an individual, John M. Hart Company, Gooch & Company, Inc., and Newark Paper Company, and the respective officers, representatives, agents and employees of them and each of them, directly or indirectly by any corporate or other device, or in any other way acting in conjunction or in concert, in connection with the offering for sale, sale and distribution of food dish trays in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

- 1. Fixing or maintaining the prices, whether uniform or otherwise, at which said products are thereafter to be sold. and from doing any act or thing whatsoever for the purpose of carrying out or executing any agreement, understanding, arrangement or conspiracy to fix or maintain such prices, including the establishment of a price zoning system.
- 2. Receiving and exchanging price lists exhibiting the prices, whether uniform or otherwise, at which the said commodities are thereafter to be sold. and from collecting and disseminating among themselves either directly or indirectly or through any one of them any information whatsoever with the purpose and effect of fixing or maintaining prices on said products, whether uniform or otherwise, and whether through discounts, zones, or any other method.

It is further ordered. That the respondents shall, within sixty days after service upon them of this order, file with the Commission a report in writwith this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,

Secretary.

[F. R. Doc. 38-3798; Filed, December 19, 1938; 9:28 a.m.]

[Docket No. 3399]

IN THE MATTER OF METZLER-MCKEAN CORPORATION, ETC.

SEC. 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product. Representing that use of respondent's facial cremes and cosmetics will build new tissues to replace old and broken-down tissues; prevent or remove wrinkles; eliminate sallowness and enlarged pores; and produce the lovely clear glow of natural youth, and that use of its acne creme will relieve or assist in the removal of acne, prohibited. (Sec. 5b. 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Metzler-McKean Corporation, etc., Docket 3399, December 7, 1938]

Sec. 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product. Representing that respondent's "Youth Cup", or similar device, when used in conjunction with, or independent of, respondent's facial cremes and cosmetics, will prevent or remove wrinkles, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Metzler-McKean Corporation, etc., Docket 3399, December 7, 19387

Sec. 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product. Representing that respondent's lipstick and creme rouge are indelible. prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Metzler-McKean Corporation, etc., Docket 3399, December 7, 1938]

SEC. 3.6 (a) (28) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Service. Falsely representing, in connection with the sale of facial cremes and cosmetics, that respondent maintains a personal prescription service for its customers, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Metzler-Mc-Kean Corporation, etc., Docket 3399, December 7, 1938]

Sec. 3.6 (g) Advertising falsely or misleadingly-Earnings: SEC. 3.80 (g) Securing agents or representatives falsely or misleadingly-Earnings. Representing that salesmen, representatives or dealers who solicit purchase orders for respondent's facial cremes and cosmetics earn \$15 a day or any other amount or amounts, whether expressed in terms of money or in words indicative of the same, unless such salesmen. ing, setting forth in detail the manner etc., consistently earn such amount or

ness under normal conditions and circumstances, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Metzler-McKean Corporation, etc., Docket 3399, December 7, 1938]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

IN THE MATTER OF METZLER-MCKEAN, A CORPORATION, DOING BUSINESS UNDER ITS OWN NAME AND UNDER THE TRADE NAMES OF LADY FRANCES LABORATORIES AND LADY FRANCES

ORDER TO CEASE AND DESIST

This proceeding having been heard 1 by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, and a stipulation as to the facts entered into between the respondent herein and Joseph C. Fehr, Trial Attorney for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

- It is ordered, That the respondent Metzler-McKean, a corporation, doing business under its own name and under the trade names of Lady Frances Laboratories and Lady Frances, its officers, representatives, agents, and employees. directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of its facial cremes and cosmetics in interstate commerce or in the District of Columbia, do forthwith cease and desist from representing, directly or indirectly:
- (1) That the use of such facial cremes and cosmetics will build new tissues to replace old and broken-down tissues:
- (2) That the use of respondent's acne creme will relieve or assist in the removal of acne;
- (3) That the use of such facial cremes and cosmetics will prevent or remove wrinkles:
- (4) That the use of respondent's "Youth Cup", or similar device, when used in conjunction with, or independent of, respondent's facial cremes and cosmetics, will prevent or remove wrinkles:

¹ 3 F. R. 2228 DI.

- (5) That the use of such facial cremes and cosmetics will eliminate sallowness 19381 and enlarged pores;
- (6) That the use of such facial cremes and cosmetics will produce the lovely clear glow of natural youth;
- (7) That respondent's lipstick and creme rouge are indelible;
- (8) That respondent maintains a personal prescription service for its customers, when such is not the fact;
- (9) That salesmen, representatives or dealers of respondent who are engaged in the business of soliciting purchase orders for respondent's facial cremes and cosmetics earn \$15.00 a day or any other amount or amounts, whether expressed in terms of money or in words indicative of the same, unless such salesmen, representatives, or dealers of the respondent consistently earn such amount or amounts in the ordinary course of business under normal conditions and circumstances

It is further ordered, That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38–3806; Filed, December 19, 1938; 9:31 a. m.]

[Docket No. 3494]

IN THE MATTER OF LIPMAN BROTHERS

SEC. 3.6 (c) Advertising falsely or misleadingly—Composition of goods: SEC. 3.66 (a) Misbranding or mislabeling-Composition. Using, or assisting or cooperating in use of, words "Pure Dye" or any other word or words of similar meaning, in connection with offer, sale or distribution of women's wearing apparel under trade name "Klassic Kool", or of any other apparel composed in whole or in part of rayon, to describe, etc., fabrics or women's wearing apparel not composed wholly of unweighted silk, product of the cocoon of the silkworm, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Lipman Brothers, Docket 3494, December 7, 1938]

SEC. 3.6 (n) (2) Advertising falsely or misleadingly - Nature - Product: SEC. 3.66 (d) Misbranding or mislabeling-Nature. Advertising, describing, branding, labeling, or otherwise representing rayon fiber or yarn or thread, strands of fabric made therefrom, in connection with offer, sale or distribution of women's wearing apparel under trade name "Klassic Kool", or of any other apparel composed in whole or in part of rayon, as not being rayon, or without clear and unequivocal disclosure that such material or product is rayon, prohibited. (Sec. 5b, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Lip-

(5) That the use of such facial cremes man Brothers, Docket 3494, December 7,

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

IN THE MATTER OF JULIUS LIPMAN, HER-MAN LIPMAN, AND SAMUEL LIPMAN, INDI-VIDUALLY, AND AS COPARTNERS, TRADING AS LIPMAN BROTHERS

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Julius Lipman, Herman Lipman, and Samuel Lipman, individually and as copartners, trading as Lipman Brothers, or under any other trade name, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale and distribution of women's wearing apparel designated by the trade name "Klassic Kool" or any other apparel composed in whole or in part of rayon, in interstate commerce, or in the District of Columbia, do forthwith cease and desist from:

- 1. Using, assisting or cooperating in the use of the words "Pure Dye", or any other word or words of similar import or meaning, to describe or designate fabrics or products which are not composed wholly of unweighted silk, the product of the cocoon of the silkworm.
- 2. Advertising, describing, branding, labeling, or otherwise representing, rayon fiber or yarn or thread, strands of fabric made therefrom, (a) as not being rayon; or (b) as being something other than rayon; or (c) without clear and unequivocal disclosure that such material or product is rayon.

It is further ordered That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] O

Otis B. Johnson, Secretary.

[F. R. Doc. 38–3805; Filed, December 19, 1938; 9:31 a, m.]

[Docket No. 3565]

IN THE MATTER OF A. DE PINNA COMPANY. INC.

SEC. 3.6 (c) Advertising falsely or misleadingly—Composition of goods: SEC. 3.66 (a) Misbranding or mislabeling-Composition. Using or causing use by others of words or terms "Silk/ Rayon", "Silk-and-Rayon", "Rayon/ Silk", or "Rayon-and-Silk", or any other words or terms of similar import and meaning, in connection with offer, sale and distribution of women's wearing apparel, in any manner to describe, etc., cloth or fabric in form of dresses or in any other form, unless such product is composed predominantly by weight of siłk combined solely with rayon, prohibited. (Sec. 5b, 52 Stat. 112; 15 U.S. C., Supp. IV, sec. 45b) [Cease and desist order, A. De Pinna Company, Inc., Docket 3565, December 7, 19381

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, A. De Pinna Company, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of women's wearing apparel, in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

- 1. The use, or from causing the use by others, of the words or terms "Silk/Rayon" and "Silk-and-Rayon", or any other words or terms of similar import and meaning, in any manner to describe or to designate cloth or fabric in the form of dresses or in any other form unless such cloth or fabric is composed predominantly by weight of silk combined solely with rayon.
- 2. The use, or from causing the use by others, of the words or terms "Rayon/Silk" or "Rayon and Silk", or any other words or terms of similar import and meaning, in any manner to describe or to designate cloth or fabric in the form

of dresses or in any other form unless; corporate or other device, in connection officers or employees have been duly resuch cloth or fabric is composed predominantly of rayon combined solely with silk.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON. Secretary.

[F. R. Doc. 38-3804; Filed, December 19, 1938; 9:31 a. m.]

[Docket No. 3574]

IN THE MATTER OF THE POSTAL COMPANY

Sec. 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product. Representing, directly or indirectly, that respondent's fortune telling, dream interpreting, and kindred books and booklets will enable the readers thereof to accurately and truthfully solve their most intimate and personal problems, tell their fortunes, interpret their dreams, take the guesswork out of life, correctly advise the readers thereof how to win a husband, and what they can and cannot do in order to obtain happiness and success in life, and making any other representations of the same or similar tenor and meaning, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, The Postal Company, Docket 3574, December 7, 1938]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E.

IN THE MATTER OF WALTER C. ELLY, AN INDIVIDUAL, TRADING AS THE POSTAL COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Walter C. Elly, an individual, trading as The Postal Company, or under any other trade name, his representatives, agents with the offering for sale, sale and distribution of his books and booklets in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

- (1) Representing, directly or indirectly, that said books and booklets will enable the readers thereof to accurately and truthfully solve their most intimate and personal problems, tell their fortunes, interpret their dreams and take the guesswork out of life;
- (2) Representing, directly or indirectly, that said books and booklets will correctly advise the readers thereof how to win a husband and what they can and cannot do in order to obtain happiness and success in life;
- (3) Making any other representations of the same or similar tenor and mean-
- It is further ordered. That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this

By the Commission.

OTIS B. JOHNSON. Secretary.

[F. R. Doc. 38-3799; Filed, December 19, 1938; 9:29 a.m.]

TITLE 33-NAVIGATION AND NAVIGABLE WATERS

BUREAU OF MARINE INSPECTION AND NAVIGATION

EXTRA COMPENSATION FOR OVERTIME SERVICES

Pursuant to the power conferred by and the authority contained in Section 6 of the Act of May 27, 1936 (Public Law No. 622, 74th Cong., 49 Stat. 1380), as amended by the Act of May 11, 1938 (Public Law No. 503, 75th Cong., 3d Session, 52 Stat. 345), and by virtue of the authority conferred by Section 7 of the Act of May 27, 1936 (49 Stat. 1380), the following regulations relative to extra compensation for overtime services of local inspectors of steam vessels and their assistants, United States Shipping Commissioners and their deputies and assistants, and Customs officers and employees are hereby prescribed.

- 1. Local inspectors and their assistants, United States shipping commissioners and their deputies and assistants. and customs officers and employees, while performing duties in connection with the inspection of vessels or their equipment, supplying or signing on or discharging crews of vessels, at night or on Sundays and holidays, shall receive extra compensation, to be paid by the master, owner, or agent of the vessel.
- 2. The rates of extra compensation are and employees, directly or through any payable in cases where the services of the time served should be combined with

quested and the officers or employees have reported for duty, even though no actual service may be performed.

- 3. The extra compensation for overtime services is in addition to the regular compensation paid by the Government in the case of officers and employees whose compensation is fixed on the ordinary per diem basis and those receiving compensation per month or per annum.
- 4. Extra compensation for "waiting time" will not be allowed unless and until an officer or employee actually reports for duty.
- 5. For the purpose of computing extra compensation the word "night" will be construed to mean the time from 5 p. m., to 8 a. m., and the term "holiday" shall include only national holidays, viz, January 1, February 22, May 30, July 4, the first Monday in September. November 11, Thanksgiving Day (when designated by the President), and December 25, and such other days as may be made national holidays.
- 6. For service performed after 5 p. m., on any day, including Sundays and holidays, one-half day's pay will be allowed for each two hours or fraction thereof of at least one hour that the overtime extends beyond 5 p. m., provided that the overtime is not less than one hour. The maximum amount which may be paid an employee for services between 5 p. m., and 8 a. m., shall not exceed two and one-half days' pay.
- 7. In computing the amount earned for overtime at the rate of "one-half day's pay for each two hours or fraction thereof of at least one hour that the overtime extends beyond 5 p. m.," onehalf day's pay shall be one-half of the gross daily rate of pay; each two hours is the time period for the purpose of computation; at least one hour means the minimum service in each period for which extra pay may be granted. If service continues beyond a two hour period, it must extend for at least one hour into the following two hour period to be entitled to extra pay for the second period. When the overtime extends beyond 5 p. m., payment of extra compensation from 5 p. m., for services consisting of at least one hour is authorized, even though such services may not actually begin until 7 p. m., 9 p. m., or later: Provided, however, That the officer rendering the service remained on duty from 5 p. m., in which case the time between 5 p. m., and the time of beginning the actual service shall be computed as waiting time, and where the actual services begin as late as 9 p. m., there should be an affirmative statement that the officer was required to remain on duty between 5 p. m., and 9 p. m., if a charge for waiting time is made.
- 8. In computing extra compensation where the services rendered are in broken periods and less than two hours intervene between such broken periods,

tinuous service.

- 9. Where two hours or more intervene between broken periods, one-half day's extra pay will be allowed for each distinct two hour period or part of a two hour period, if waiting time and actual service rendered within each period consists of at least one hour.
- 10. The same construction should be given the act when charging for waiting time as governs the charge for services actually rendered. No charge should be made unless after having reported for duty the waiting time amounts to at least one hour.
- 11. For authorized services performed on Sundays and holidays between 8 a. m., and 5 p. m., officers and employees shall be entitled to 2 days' pay in addition to their regular compensation.
- 12. When employees are in travel status overtime shall apply the same as at official station.
- 13. Payment of extra compensation for overtime services shall be subject to appropriations being made therefor by Congress.
- 14. Assessment and collection of fees against steamship companies for overtime services shall be made even though the payment to employees for such services may not be made until funds are appropriated for that purpose.
- 15. An application on a form prescribed by the Director of the Bureau of Marine Inspection and Navigation, and approved by the Secretary of Commerce, shall be filed with the office being requested to furnish overtime services before such assignment can be made.
- 16. Overtime services shall be billed to the steamship companies on collection voucher provided for that purpose. Remittance shall be made by postal money order or certified check payable to the "Collector of Customs, Treasury Department" and forwarded to that officer at the port indicated on the voucher, who shall in turn deposit such remittance to a properly designated receipt account.
- 17. Protests against the exaction of extra compensation shall be forwarded to the Director, Bureau of Marine Inspection and Navigation.

Approved December 17, 1938.

[SEAL]

DANIEL C. ROPER, Secretary of Commerce.

[F. R. Doc. 38-3792; Filed, December 17, 1938; 12:25 p.m.]

TITLE 37—PATENTS AND COPYRIGHTS

COPYRIGHT OFFICE

REGISTRATION OF CLAIMS TO COPYRIGHT

RITLE AMENDED

On December 15, 1938, Rule 45 of the Rules and Regulations for the Registration of Claims to Copyright (Copyright Office Bulletin No. 15) was, on the recommendation of the Register of Copy- objection or approval before the decision record, the Board has recommended that

Congress, amended to read as follows:

"After the assignment has been duly recorded, the assignee may substitute his name for that of the assignor in the copyright notice on the work assigned: In addition to the fee for recording and certifying an assignment specified in Rule 44, the assignee shall pay a fee of ten cents for the placing of record in the Copyright Office the transfer of ownership of each title of a book or other article which is the subject matter of such assignment."

> C. L. Bouvé. Register of Copyrights.

Approved:

HERBERT PUTNAM, Librarian of Congress.

DECEMBER 15, 1938.

[F. R. Doc. 38-3785; Filed, December 17, 1938; 10:30 a. m.1

TITLE 41—PUBLIC CONTRACTS

DIVISION OF PUBLIC CONTRACTS

DETERMINATION OF PREVAILING MINIMUM Wages in Manufacture of Aeroplanes, AIRCRAFT ENGINES, PROPELLERS, ACCES-SORIES, AND MANUFACTURING AND FIN-ISHING OF PARTS

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S. C. Sup. III 35) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes." The Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, held a hearing on March 10, 1938 in the above-entitled matter.

Notice of this hearing was sent to all known members of the industry, to trade unions, to trade publications, and to trade associations in the field. Invitation to attend the hearing was extended interested parties.

Testimony at the hearing was presented by the Aeronautical Chamber of Commerce, by manufacturers, and by representatives of labor unions. On the basis of the record the Board made its recommendations that the Secretary find the prevailing minimum wage in the industry to be 60 cents an hour or \$24.00 per week of 40 hours, and that the Secretary grant a tolerance not to exceed 15 per cent of the workers in any one establishment for those workers who are in fact learners or apprentices and provided that they be paid not less than 40 cents an hour, or \$16.00 per week of 40 hours.

On June 24, 1938, the Administrator circularized the Board's recommendations in order that all parties might have full opportunity to register their

the waiting time and computed as con- | rights, approved by the Librarian of | in the matter was made by the Secretary of Labor.

> As a result of the large number of protests received from both employers and employees a second hearing was held in the matter on September 8, 1938 to permit the parties to produce additional evidence on controverted fact issues. Notice of the second hearing was sent to all the parties to whom the original notice was sent.

> The Board advises me and the evidence of record indicates that instruments, accessories, radios, and parachutes are manufactured extensively by firms which are not manufacturers of aeroplanes. For this reason these products will not be considered as the products of the aeroplane industry as defined for the purpose of this minimum wage determination.

> The Board advises me and the evidence of record indicates that the Government does not make extensive purchases from the light or commercial branch of the aeroplane industry; that that branch pays a lower minimum than that prevailing in the manufacture of heavy type aeroplanes; and that the production methods of the manufacturers of light aeroplanes differ from the methods used in the manufacture of heavy aeroplanes. Accordingly, light or commercial aircraft shall not be considered products of the aeroplane industry as defined for the purposes of this decision.

The evidence of record indicates that there are approximately 31,500 workers in the industry as defined. The Aeronautical Chamber of Commerce has furnished information which shows that 9,085 employees receive 60 cents an hour or less which has been indicated to be the minimum entrance wage paid to semi-skilled or skilled mechanics. Of these 9,085 employees 3,922 are engaged either in occupations which pay less than 60 cents an hour, or as laborers. Few laborers in the industry receive more than 55 cents an hour, but some receive as high as 60 cents an hour. A wage through the national press to all other frequency table showing the distribution of the 3,922 employees in wage intervals of 2.5 cents shows that the first significant concentration falls in the interval between 50 and 52.5 cents. In this interval appear 897 of the 3,922 employees.

The first significant concentration in a wage table showing by 2.5 cent intervals the wage distribution of all employees who receive 60 cents or less is also in the 50 to 52.5 cents bracket.

A considerable number of the employees receiving 60 cents per hour or less are engaged in occupations which never pay less than 50 cents an hour. The nature of these occupations indicates that they are skilled or semi-skilled occupations of the type in which learning periods may be necessary. It therefore appears that no tolerance below 50 cents for learners is necessary.

In the light of all the evidence now of

the minimum wage for the industry be found to be 50 cents an hour, or \$20.00 per week of 40 hours, arrived at either upon a time or piece work basis, provided that apprentices may be employed at lower rates if their employment conforms to the standards of the Federal Committee on Apprenticeship.

I have examined the findings of the Board and the record of the hearings, together with the briefs filed, and in the light of the facts

I hereby determine the minimum wages for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Public Contracts Act (49 Stat. 2036; 41 U. S. C. Sup. III 35) for the manufacture or supply of aeroplanes, aircraft engines, and aircraft propellers, with the exception of light or commercial aircraft as distinguished from military and large transport aircraft, and with the exception of propellers and engines for light or commercial aircraft, to be 50 cents an hour, or \$20.00 per week of 40 hours, arrived at either upon a time or piece work basis; provided that apprentices may be employed at lower rates if their employment conforms to the standards of the Federal Committee on Apprenticeship.

This determination shall be effective, and the minimum wage hereby established shall apply to all such contracts bids for which are solicited on or after December 29, 1938.

Dated, December 14, 1938.

[SEAL]

FRANCES PERKINS. Secretary.

[F. R. Doc. 38-3788; Filed, December 17, 1938; 11:18 a. m.)

TITLE 46-SHIPPING

UNITED STATES MARITIME COM-MISSION

[General Order No. 28]

REGULATIONS REGARDING SELECTION AND TRAINING OF CADET OFFICERS AND CADETS UPON VESSELS OPERATED UNDER SUBSIDY AGREEMENTS AND FOR THE AC-COUNT OF THE UNITED STATES MARITIME COMMISSION

At a regular session of the United States Maritime Commission held at its office in Washington, D. C., on December 13, 1938,

General Order No. 23 and amendments 1 thereto are hereby rescinded.

Application of this order.—This order is prescribed to regulate cadet officer and cadet selection and training on vessels receiving an operating differential subsidy as provided for in Section 23 of the standard long-range subsidy contracts, pursuant to provisions of the Merchant Marine Act of 1936, as amended, to the end that a merchant marine with a trained and efficient citizen personnel may be developed.

hereby established shall be designated as the lowest mark qualifying under "Cadet Officers" and "Cadets", pursuant to requirements hereinafter set forth.

CADET OFFICERS

- 1. Qualifications—(a) Age.—The applicant must be not less than 19 nor more than 25 years of age. (If less than 21 years of age, the application must contain written consent of a parent or guardian.)
- (b) License.-The applicant must be the possessor of a license as Third Mate or Third Assistant Engineer.
- (c) Physical condition. The applicant must possess such physical qualifications as the Commission may prescribe.
- (d) Character.—The applicant shall produce evidence of good moral character in the community in which he resides.
- 2. Minimum wages and allowances.-Minimum compensation for cadet officers shall be at the rate of \$75.00 per month. Cadet officers shall receive the perquisites, privileges, and travel and subsistence allowances of a licensed officer.
- 3. Quarters.—Cadet officers shall be quartered aboard ship with licensed officers.
- 4. Selection and assignment. (a) Applicants for cadet officer ratings shall be placed on an eligible list when it is determined the qualifications hereinbefore prescribed have been met.
- (b) Assignments shall be made from the eligible list with preference to the candidates who have been on such eligible lists longest in point of time.
- 5. Limitation.—Cadet officers shall remain in such rating for a period of not longer than one year, except that if a voyage is commenced before the expiration of the year, the rating shall not be impaired until the conclusion of such voyage. The rating may be extended, for cause shown, in the discretion of the Commission.

CADETS

- 6. Qualifications.—(a) Age.—The applicant must be not less than 17 nor more than 25 years of age. (If less than 21 years of age, the application must contain written consent of a parent or guardian.)
- (b) Determination of eligibility.—An official eligible list of cadets shall be compiled as follows: (1) An examination shall be conducted in every Congressional District in the United States. The subject matter of such examination and a minimum passing mark shall be approved by the Commission. For purposes of this order, the District of Columbia, Alaska and Hawaii shall be deemed the equivalent of Congressional Districts.
- (2) Candidates shall be placed upon an eligible list when they attain the minimum passing mark and, in addition. either (i) the highest mark in the Congressional District in which the exami-

- Persons in training under the system nation is taken, or (ii) a mark as high "(i)"
 - (3) The names on the eligible list shall be listed in the order of national competitive standing.
 - (c) Physical condition. The applicant must possess such physical qualifications as the Commission may pre-
 - (d) Character.—The applicant shall produce evidence of good moral character in the community in which he resides.
 - 7. Minimum wages and allowances .-Minimum compensation for cadets shall be at the rate of \$50.00 per month.
 - 8. Travel allowance.—While traveling in course of employment, cadets shall be furnished allowance for subsistence at the rate of \$3.25 per day, except where subsistence is included with transportation.
 - 9. Subsistence.—When meals are not furnished, cadets shall receive a subsistence allowance of \$2.50 per day. When not furnished with quarters, they shall receive an allowance of \$1.75 per night for lodging.
 - 10. Quarters.—Cadets shall be quartered aboard ship with the licensed personnel.
 - 11. Selection and assignment.—After examinations have been conducted in all Congressional Districts an eligible list for cadets shall be compiled as follows:
 - (a) The candidate receiving the highest mark in each Congressional District shall be placed on the eligible list, in the order of competitive standing.
 - (b) Any candidate receiving a mark higher than the lowest mark received by any candidate placed on the eligible list under the provisions of sub-section (a) of this section, shall also be placed on the eligible list, in his place of competitive standing on the entire list.
 - 12. Assignment.-Cadets shall be assigned by the Maritime Commission to vessels in the order of their standing on the eligible list, subject to the approval of the cadet by the Master of the vessel to which he is assigned.
 - 13. Present candidates on eligible list.—Those applicants now on the eligible list prescribed by General Order No. 23, Amended, shall be given equal opportunity to take the examination for eligibility under this Order. Upon compilation of the eligible list, prescribed by this order, the eligible list prescribed by General Order No. 23, Amended, shall be cancelled.
 - 14. Present cadets.—Nothing tained in Sections 6, 11 or 12 shall be construed to affect or change the existing status of cadets now assigned to vessels. In all other respects, they shall be amenable to the provisions of this order.

ADMINISTRATION

15. Administration of the regulation and procedure required by this order is placed under the jurisdiction of the member of the Commission having supervision over training.

¹3 F. R. 639, 781 DI.

Training Courses

16. The Commissioner in charge of training shall recommend to the Commission such plans and courses, including shore training and extension courses for cadets enrolled in the Maritime Service as are deemed requisite for the development of competent merchant marine officers, and, upon approval by the Commission shall administer the same.

General

17. Nothing herein contained shall be construed in any manner to affect the operation of the United States Maritime Service as established by the Commission's General Order No. 25. Provisions of this order shall also apply to vessels owned by and operated for the account of the United States Maritime Commis-

Effective Date

. 18. This order shall become effective and operative as of January 1, 1939, except that the present eligible list shall remain in effect until such time as the competitive eligible list provided for herein may be established by the Commissioner in charge of training.

[SEAL]

W. C. PEET, Jr., Secretary.

[F. R. Doc. 38-3782; Filed, December 16, 1938; 3:40 p. m.]

TITLE 49-TRANSPORTATION AND RAILROADS

INTERSTATE COMMERCE COMMIS-SION

[Ex Parte No. 72 (Sub-No. 1)]

ORDER IN THE MATTER OF REGULATIONS CONCERNING THE CLASS OF EMPLOYEES AND SUBORDINATE OFFICIALS THAT ARE TO BE INCLUDED WITHIN THE TERM "EMPLOYEE" UNDER THE RAILWAY LA-BOR ACT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of December, A. D. 1938.

It appearing, That the Dining Car Employees Union, Local No. 351 of the American Federation of Labor, has filed a petition herein requesting this Commission to amend or interpret its orders 1 defining and classifying employees and subordinate officials under paragraph 5 of section 1 of the Railway Labor Act,2 as amended, so as to include the work of the persons described in the next succeeding paragraph hereof, and full investigation of the matters and things in-

volved having been made, and the divi- | DEPARTMENT OF LABOR. sion having, on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof: 1

It is ordered. That the work defined as that of an employee or subordinate official in orders of this Commission now in effect be, and it is hereby, amended and interpreted so as to include the work of persons in the dining-car service on the Atchison, Topeka & Santa Fe Railway Company and affiliated lines embraced in the Santa Fe system, under the contract with Fred Harvey, and thus bring the persons performing such work within the term "employee" as used in the fifth paragraph of section 1 of the Railway Labor Act, as amended.

By the Commission, division 3.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 38-3786; Filed, December 17, 1938; 10:42 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Bureau of Animal Industry.

NOTICE UNDER PACKERS AND STOCKYARDS AcT 3

DECEMBER 17, 1938.

To G. T. YOUNG,

Doing business as Brewton Livestock Commission Company, Brewton,

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U. S. C. Sec. 202 (b)), it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Farmers Community Sale. at Brewton, State of Alabama, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U. S. C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

H. A. WALLACE, [SEAL]

Secretary of Agriculture.

[F. R. Doc. 38-3819; Filed, December 19, 1938; 12:08 p.m.]

Wage and Hour Division.

[Administrative Order No. 8]

AMENDING ADMINISTRATIVE ORDER NUMBER 41 BY APPOINTING HENRY H. COLLINS, JR. IN ADDITION TO MERLE D. VINCENT, AS AUTHORIZED REPRESENTATIVE TO GRANT OR DENY APPLICATIONS FOR SPE-CIAL HANDICAPPED WORKER'S CERTIFI-

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Elmer F. Andrews, Administrator of the Wage and Hour Division, Department of Labor, hereby designate and appoint severally Merle B. Vincent and Henry H. Collins, Jr. as my authorized representatives with full power and authority to grant or deny applications for special handicapped worker's certificates, and to sign and issue special certificates authorizing the employment of handicapped persons pursuant to the provisions of Section 14 of the Fair Labor Standards Act of 1938 and regulations Title 29-Labor, Chapter V-Wage and Hour Division, Part 524 (Regulations Applicable to Employment of Handicapped Persons pursuant to Section 14 of the Fair Labor Standards Act of 1938).

Signed at Washington, D. C., this 19 day of December 1938.

> ELMER F. ANDREWS, Administrator.

[F. R. Doc. 38-3820; Filed, December 19, 1938; 12:47 p. m.]

[Administrative Order No. 9]

AMENDING ADMINISTRATIVE ORDER NUM-BER 31 BY APPOINTING HENRY H. COLLINS, JR. IN ADDITION TO MERLE D. VINCENT, AS AUTHORIZED REPRESENTA-TIVE TO GRANT OR DENY APPLICATIONS FOR SPECIAL APPRENTICE CERTIFICATES

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938,2 I, Elmer F. Andrews, Administrator of the Wage and Hour Division, Department of Labor, hereby designate and appoint severally Merle D. Vincent and Henry H. Collins, Jr. as my authorized representatives with full power and authority to grant or deny applications for special apprentice certificates, and to sign and issue special certificates authorizing the employment of apprentices pursuant to the provisions of Section 14 of the Fair Labor Standards Act of 1938 and regulations Title 29—Labor, Chapter V— Wage and Hour Division, Part 521— (Regulations Applicable to Employment of Apprentices pursuant to Section 14

¹3 F. R. 2451 DI. ² 48 Stat. 1186.

No. 246-

¹ Filed as a part of the original document with the Division of the Federal Register, The National Archives.

² Modifies list posted stockyards 9 CFR

¹³ F. R. 2777 DI.

² 52 Stat. 1060.

of the Fair Labor Standards Act of the Authority, the undersigned examiner record in this matter having been ex-

Signed at Washington, D. C., this 19 day of December 1938.

> ELMER F. ANDREWS, Administrator.

[F. R. Doc. 38-3821; Filed, December 19, 1938; 12:47 p.m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 37-401 (E)-1]

PAN AMERICAN AIRWAYS COMPANY

Application Under Section 401, for a Certificate of Public Convenience and Necessity as Follows:

- (a) For a Permanent Certificate for Scheduled Operations in Foreign Air Transportation Carrying Passengers, Property and Mail on a General Route Between New York, N. Y., or Victnity (Including Port Washington) and Bermuda, With a Right to Substitute Baltimore, Md., or Vicinity (Dundalk), or Charleston, S. C., as the Terminal Point in the United States
- (b) For a Temporary Certificate for Scheduled Operations Between Baltimore, Md., or Vicinity (Dundalk), and Bermuda, With Intermediate Stop at New York, N. Y., or Vicinity (Including Port Washington)

NOTICE OF HEARING

DECEMBER 16, 1938.

The above-entitled proceeding is assigned for public hearing on December 28. 1938, 10 o'clock a. m. (eastern standard time) at the offices of the Civil Aeronautics Authority (Hearing Room No. 951, Earle Building, Washington, D. C., before Examiner F. A. Law. By the Authority.

I STAT. I

PAUL J. FRIZZELL, Secretary.

[F. R. Doc. 38-3783; Filed, December 16, 1938; 3:47 p. m.]

[Docket No. 145]

IN THE MATTER OF THE LEASING BY WEST-ERN AIR EXPRESS CORPORATION AND IN THE MATTER OF FEDERAL LIGHT & TRAC-UNITED AIR LINES TRANSPORT CORPORA-TION TO EACH OTHER OF DST SLEEPER EQUIPMENT BETWEEN LOS ANGELES AND POINTS EAST OF SALT LAKE CITY ON AIR MAIL ROUTE #1, UNDER AGREEMENT DATED MAY 31, 1938 FILED WITH THE AUTHORITY UNDER SECTION 412 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

DECEMBER 16, 1938.

At the request of United Air Lines Transport Corporation, from which it appears (1) that such request is made with the consent of Western Air Express Corporation, and (2) that the parties to the above-mentioned agreement intend to cancel the same and to enter into a new agreement which will be filed with

designated to receive evidence at the public hearing in the above-entitled matter assigned to be held December 21, 1938 at 10 o'clock a. m. (eastern standard time) at the office of the Civil Aeronautics Authority, Washington, D. C.,1 does hereby, pursuant to the authorization contained in the designation of the undersigned as such examiner, postpone said hearing until further notice.

[SEAL]

LUCIAN JORDAN. Examiner.

[F. R. Doc. 38-3793; Filed, December 17, 1938; 12:32 p. m.]

[Docket No. 3-406 (A)-1]

MID-CONTINENT AIRLINES, INC., PETITION FOR AN ORDER FIXING AND DETERMINING THE FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTA-TION OF MAIL BY AIRCRAFT, THE FACILI-TIES USED AND USEFUL THEREFOR, AND THE SERVICE CONNECTED THEREWITH. OVER AIR MAIL ROUTE 26

NOTICE OF HEARING

DECEMBER 17, 1938.

The above entitled proceeding is assigned for public hearing on December 28, 1938, 10 o'clock a. m. (eastern standard time) at the office of the Civil Aeronautics Authority (Hearing Room 5044), Washington, D. C., before the Authority.

By the Authority.

[SEAL]

PAUL J. FRIZZELL, Secretary.

[F. R. Doc. 38-3794; Filed, December 17, 1938; 12:32 p. m.]

SECURITIES AND EXCHANGE COM-MISSION.

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 14th day of December 1938

[File No. 43-163]

TION COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

Federal Light & Traction Company, a registered holding company, and a subsidiary of Cities Service Power & Light Company, also a registered holding company having filed a declaration with this Commission pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale of \$1.-500,000 collateral promissory notes to Irving Trust Company, New York; and

A hearing on said declaration having been held after appropriate notice; the amined; and the Commission having made and filed its findings herein;

It is ordered, That said declaration of Federal Light & Traction Company be and become effective forthwith subject to the following terms and conditions:

1. That the issue and sale of the notes shall be effected in accordance with the terms and conditions of, and for the purposes represented by, said declaration.

2. That within ten days after the issue and sale of these notes, the declarant shall file with this Commission a certificate of notification showing that such sale has been effected in accordance with the terms and conditions of, and for the purposes represented by, said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR. Secretary.

[F. R. Doc. 38-3797; Filed, December 17, 1938; 12:38 p. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of December, A. D. 1938.

[File No. 44-16]

IN THE MATTER OF AMERICAN STATES Utilities Corporation

ORDER APPROVING ACQUISITION AND RETIRE-MENT OF PREFERRED STOCK

American States Utilities Corporation. a registered holding company, having filed an application pursuant to Rule U12C-1 of the General Rules and Regulations under the Public Utility Holding Company Act of 1935 promulgated pursuant to the provisions of Section 12 (c) of the Public Utility Holding Company Act of 1935 for approval of the application of the proceeds received by it from the sale of the assets of its wholly owned subsidiary, Dearborn-Ripley Light & Power Company (File No. 57-2), to the purchase and retirement, by tender, of its \$25 par value 51/2% cumulative Preferred Stock; a hearing on said application, as amended, having been held 1 after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein:

It is ordered, That such acquisition and retirement of the aforesaid Preferred Stock by American States Utilities Corporation in accordance with the terms and conditions of, and for the purposes represented by, said amended application be and the same hereby is approved; provided that within ten days after such acquisition and retirement the applicant shall file with this Commission a Certificate of Notification showing that such acquisition and retirement have been ef-

¹³ F. R. 2908 DI.

² 3 F. R. 3002 DI.

¹3 F. R. 2387 DI.

fected in accordance with the terms and | United States of America-Before the conditions of, and for the purposes represented by, said amended application, containing a statement of all tenders received by the applicant and a statement of all tenders accepted by American States Utilities Corporation.

By the Commission.

FRANCIS P. BRASSOR, [SEAL] Secretary.

[F. R. Doc. 38-3796; Filed, December 17, 1938; 12:38 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of December, A. D. 1938.

[File No. 57-2]

IN THE MATTER OF AMERICAN STATES Utilities Corporation, Dearborn-RIPLEY LIGHT & POWER COMPANY

ORDER APPROVING SALE OF ASSETS

American States Utilities Corporation, a registered holding company, and its wholly owned subsidiary, Dearborn-Ripley Light & Power Company, having filed a joint application and amendments thereto pursuant to Rule U12D-1 of the General Rules and Regulations under the Public Utility Holding Company Act of 1935 promulgated pursuant to the provisions of Section 12 (d) of the Public Utility Holding Company Act of 1935, for approval of the sale of all of the physical assets of Dearborn-Ripley Light & Power Company to Public Service Company of Indiana for the sum of \$65,000, such sum being subject to certain adjustments as set forth in the application; a hearing on said application, as amended. having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered, That such sale of the aforesaid utility assets in accordance with the terms and conditions of, and for the purposes represented by, said amended application be and the same hereby is approved; provided that within ten days after such sale, the applicants shall file with this Commission a Certificate of Notification showing that such sale has been effected in accordance with the terms and conditions of, and for the purposes represented by, said application; provided further that if the express authorization of the sale of such assets by the Public Service Commission of the State of Indiana shall be revoked or otherwise terminated this approval shall immediately terminate without further order of this Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-3795; Filed, December 17, 1938; 12:38 p.m.]

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1938.

[Fuel No. 43-157]

IN THE MATTER OF UNITED FUEL GAS COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

United Fuel Gas Company, a subsidiary company of Columbia Gas & Electric Corporation, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the reduction of the par value of its authorized and outstanding 300,000 shares from a par value of \$100 to \$1 per share; a public hearing having been held 1 on the declaration as amended, pursuant to appropriate notice; declarant having prior to the entry of the findings, opinion and order of the Commission, waived a trial examiner's report, submission of proposed findings of fact to the Commission or requested findings of fact by counsel for the Commission, the filing of briefs with the Commission, and oral argument before the Commission; and the Commission having considered the record in this matter and having made and filed its findings herein:

It is ordered, That said declaration be and become effective forthwith, subject, however, to the following terms and conditions:

- (1) All corporate action and all matters connected therewith or related thereto shall be performed in all respects as set forth in, and for the purposes represented by, the declaration;
- (2) No charges shall be made either to "Special Capital Surplus" or to "Surplus at December 31, 1937" unless thirty days' prior notice of the making of such charge be given to this Commission, in which event the Commission reserves jurisdiction, after notice and opportunity for hearing, to disapprove such charge, on the basis of the record herein and any additional evidence that may be adduced by any interested party;
- (3) With respect to any of such "Special Capital Surplus" or "Surplus at December 31, 1937" which is not used for the purposes outlined by the declarant, jurisdiction is reserved by this Commission with respect to the ultimate disposition of such balances;
- (4) Except after thirty days' notice to this Commission as provided in the second condition herein, no charges shall be made to depletion or retirement reserve accounts as at December 31, 1937 except to remove therefrom the amounts applicable to property depleted, sold, abandoned or replaced in the normal conduct of declarant's business.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-3818; Filed, December 19, 1938; 10:52 a.m.l

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of December, A. D. 1938.

[File No. 43-165]

IN THE MATTER OF PUBLIC SERVICE COM-PANY OF COLORADO

ORDER GRANTING REQUEST FOR WITHDRAWAL OF DECLARATION

Public Service Company of Colorado having, on November 25, 1938, filed a declaration pursuant to Section 7 or the Public Utility Holding Company Act of 1935 relating to the issue and sale of \$40,000,000 of 334%, Series due 1963, of First Mortgage Bonds, \$10,000,000 of 4% Sinking Fund Debentures due 1948, and 50,000 shares of 51/2% Cumulative First Preferred Stock, Series due 1948, \$100 par, and

A hearing having been held on such application after appropriate notice and the declarant thereafter and before action taken thereon by the Commission having on December 15, 1938, requested the withdrawal of said declaration:

It is ordered, That the aforesaid request of the declarant, dated December 15, 1938, be, and hereby is, granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-3816; Filed, December 19, 1938; 10:51 a. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of December, A. D. 1938.

[File No. 31-417]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 3 (a) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the abovenamed party:

It is ordered, That a hearing on such matter be held on January 12, 1939, sit

Securities and Exchange Commission

⁽⁵⁾ All published balance sheets of declarant shall contain an appropriate footnote to the effect that neither "Special Capital Surplus" or "Surplus at December 31, 1937" are available for the payment of dividends.

¹³ F. R. 2375 DI.

¹3 F. R. 2796 DI.

¹ 3 F. R. 2387 DI.

at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearingroom clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 6, 1939.

The matter concerned herewith is in regard to the application of applicant seeking exemption of The Islands Gas and Electric Company, Campagnie d' Eclairage Electrique des Villes de Portau-Prince et du Cap Haitien. Campania Electrica de Santo Domingo, C. por A, Sociedad Anonima Industrial del Este. Gas y Electricidad, S. A., Manila Gas Corporation, Union Electrica de Canarias, S. A., Tranvias de Las Palmas, S. A., and Porto Rico Gas & Coke Company as subsidiaries of applicant from all the provisions of the Public Utility Holding Company Act of 1935, it being alleged that such companies derive no material part of their income, directly or indirectly from sources within the United States and that none of such companies is a public-utility company operating in the United States.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR. Secretary.

[F. R. Doc. 38-3811; Filed, December 19, 1938; 10:50 a. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of December, A. D. 1938.

[File No. 32-125]

IN THE MATTER OF LEXINGTON WATER POWER COMPANY, SOUTHEASTERN IN-VESTING CORPORATION

NOTICE OF AND ORDER FOR HEARING

duly filed with this Commission by the above-named parties; and it appearing that the hearings on such applications should be joined and consolidated;

It is ordered, That a hearing on such matter be held on January 17th, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 10th, 1939.

The matter concerned herewith is in regard to an application of Lexington Water Power Company, a direct subsidiary of Southeastern Electric and Gas Corporation, and an indirect subsidiary of General Gas & Electric Corporation, Associated Gas and Electric Corporation and Associated Gas and Electric Company, pursuant to section 6 (b), for an exemption from the provisions of section 6 (a) of the issuance of its 5% Serial Debentures in the aggregate principal amount of \$3,000,000. Said debentures are to mature serially at the rate of \$250,000 principal amount in each of the years 1939 to 1950, inclusive. Lexington Water Power Company proposes to issue these debentures to Southeastern Investing Corporation in exchange for a like principal amount of Lexington Water Power Company's presently outstanding 51/2% Convertible Sinking Fund Debentures due January 1, 1953. The 51/2% Convertible Sinking Fund Debentures to be reacquired are to be cancelled.

Lexington Water Power Company has also filed an application pursuant to section 10 (a) (1) of the Act seeking approval of the acquisition by it of the 5½% Convertible Sinking Fund Debentures which it hopes to acquire by exchange for the 5% Serial Debentures it proposes to issue.

Southeastern Investing Corporation Applications pursuant to sections 6 (b) has filed an application pursuant to secand 10 (a) (1) of the Public Utility Hold- tion 10 (a) (1) seeking approval for the

9:45 o'clock in the forencen of that day, | ing Company Act of 1935, having been | acquisition of the 5% Serial Debentures which Lexington Water Power Company proposes to issue. At the request of the applicant companies these applications have been consolidated and it is proposed to treat them as parts of one proceeding.

> It is stated in the application that this proposed issue has not yet been authorized by the State commission. It is anticipated that such an order will be forthcoming shortly after January 1, 1939.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, ... Secretary.

[F. R. Doc. 38-3809; Filed, December 19, 1938; 10:50 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 16th day of December 1938.

IN THE MATTER OF APPLICATIONS BY THE PHILADELPHIA STOCK EXCHANGE TO EX-TEND UNLISTED TRADING PRIVILEGES TO ALLEGHENY LUDLUM STEEL CORP., COM-MON STOCK, NO PAR VALUE; ARMOUR & Co. of Illinois, Common Stock, \$5 PAR VALUE; ARMSTRONG CORK Co., COM-MON STOCK, NO PAR VALUE; BRIDGE-PORT BRASS Co., COMMON STOCK, NO PAR VALUE: CONGOLEUM-NAIRN. INC., COMMON STOCK, NO PAR VALUE: CON-SOLIDATED AIRCRAFT CORP., COMMON STOCK, \$1 PAR VALUE; CONTAINER CORP. OF AMERICA, CAPITAL STOCK, \$20 PAR VALUE; CONTINENTAL BAKING CORP., COMMON CLASS B STOCK, NO PAR VALUE, \$8 NON CUMULATIVE PARTICI-PATING CLASS A COMMON STOCK, NO PAR VALUE: CRANE CO., COMMON STOCK. \$25 PAR VALUE; DISTILLERS CORP. SEA-GRAMS, LTD., COMMON STOCK, NO PAR VALUE; ENGINEERS PUBLIC SERVICE Co., COMMON STOCK, \$1 PAR VALUE, GREY-HOUND CORP., COMMON STOCK, NO PAR VALUE; INTERNATIONAL PAPER & Power Co., Common Stock, \$15 Par VALUE, 5% CUMULATIVE CONVERTIBLE PREFERRED STOCK, \$100 PAR VALUE: LOCKHEED AIRCRAFT CORP., CAPITAL STOCK, \$1 PAR VALUE; MARSHALL FIELD & Co., COMMON STOCK, NO PAR VALUE; GLENN L. MARTIN CO., COMMON STOCK, \$1 PAR VALUE; NATIONAL GYPSUM Co., COMMON STOCK, \$1 PAR VALUE; NA-TIONAL LEAD CO., COMMON STOCK, \$10 PAR VALUE; NEWPORT INDUSTRIES, INC., CAPITAL STOCK, \$1 PAR VALUE; PARA-MOUNT PICTURES, INC., COMMON STOCK. \$1 PAR VALUE; RICHFIELD OIL CORP., COMMON STOCK, NO PAR VALUE; SUPE-RIOR OIL CORP., COMMON STOCK, \$1 PAR VALUE; TRANSCONTINENTAL & WESTERN AIR, INC., COMMON STOCK, \$5 PAR VALUE; UNITED AIR LINES TRANSPORT CORP., COMMON STOCK, \$5 PAR VALUE; WHITE MOTOR CO., COMMON STOCK, \$1 PAR VALUE; WILSON & Co., Inc., COM-MON STOCK, NO PAR VALUE: WORTHING-

TON PUMP & MACHINERY CORP. (DEL.), COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING

The Philadelphia Stock Exchange, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities: and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Tuesday, January 31, 1939, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-3810; Filed, December 19, 1938; 10:50 a.m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of December, A. D. 1938.

[File Nos. 43-159, 56-14]

IN THE MATTER OF KENTUCKY-TENNESSEE
LIGHT AND POWER COMPANY, ASSOCIATED
ELECTRIC COMPANY AND CENTRAL U. S.
UTILITIES COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND APPROVING APPLICATION ON CONDITIONS

Kentucky-Tennessee Light and Power Company having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the sale of its note in the principal amount of \$750,000 to be dated on or about November 14, 1938, and to mature on or about October 14, 1939; and

Central U. S. Utilities Company having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding an agreement by

such company to advance to Kentucky-Tennessee Light and Power Company from time to time, such funds as the latter company may need in addition to its own cash to make periodic payments for principal and interest on the aforesaid note as hereinafter indicated.

Central U. S. Utilities Company, (b) for interest on such open account heretofore or hereafter accrued, (c) for dividends heretofore or hereafter declared by it, (d) for redemption or retirement in whole or in part of its bonds except, out of the proceeds of sales of its physical prop-

Associated Electric Company and Central U. S. Utilities Company, registered holding companies, having filed a joint application pursuant to Section 12 (d) of the Public Utility Holding Company Act of 1935 for permission for Pennsylvania Investing Corporation to pledge \$7,256,600 principal amount of Kentucky-Tennessee Light and Power Company First and Refunding Mortgage 5% Bonds, due May 1, 1954; and

A public hearing having been held ¹ after appropriate notice; the Commission having heard oral argument; the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered, That the declaration of Kentucky-Tennessee Light and Power Company, as amended, and the declaration of Central U. S. Utilities Company be permitted to become effective and the joint application of Associated Electric Company and Central U. S. Utilities Company be approved, all, however, subject to the following conditions:

- (1) That the face amount of the proposed note issue be limited to \$560,000.
- (2) That the note mature eleven months from the date of issue.
- (3) That the face amount of the note be reduced from time to time by monthly payments, for the first five months, of \$50,000 each plus accrued interest, and for the seventh, eight, ninth and tenth months of \$60,000 each plus accrued interest and that payment of the total unpaid balance be made at the date of maturity.
- (4) That no change be made increasing the rate or basis upon which interest is presently accrued on the open account payable to Central U. S. Utilities Company.
- (5) That Kentucky provide for depreciation or retirement of fixed assets by charging operating expense each year with an amount equal to 20% of gross operating revenues (after deducting the amounts expended for purchased power and purchased natural gas) less the amount expended for maintenance.
- (6) That the note agreement with the bank shall contain a provision that in the event of any default on the proposed note, the bonds collateralizing the same shall not be sold by the bank except at an advertised sale and after written notice to the interested parties.
- (7) So long as there is any unpaid balance on the proposed note or any note issued in renewal or substitution therefor or for the purpose of providing funds to liquidate the same, no payments of cash be made by the declarant (a) on the open account now owed by it to

(8) That the issue and sale of the aforesaid promissory note, the advancing of any funds by Central U.S. Utilities Company to meet the periodic payments on the proposed note, and the proposed pledge by Pennsylvania Investing Corporation shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by said declarations and application and, that within ten days after the said transactions the declarants or applicants, as the case may be, shall file with this Commission their Certificates of Notification showing that such transactions have been effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration.

By the Commission.

[SEAL] Francis P. Brassor,

[F. R. Doc. 38–3817; Filed, December 19, 1938; 10:52 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of December, A. D. 1938.

[File No. 31-453]

IN THE MATTER OF DOVER CASUALTY
INSURANCE COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 2
(a) (8) of the Public Utility Holding
Company Act of 1935, having been duly
filed with this Commission by the abovenamed party;

It is ordered, That a hearing on such matter be held on January 9, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

interest on such open account heretofore or hereafter accrued, (c) for dividends heretofore or hereafter declared by it, (d) for redemption or retirement in whole or in part of its bonds except, out of the proceeds of sales of its physical property, to the extent required by the identures under which the said bonds or securities of its parents were issued, (e) for interest heretofore or hereafter accrued on its bonds, or (f) otherwise, to its parents, directly or indirectly (except that declarant may repay any sums hereafter advanced by its parents, directly or indirectly, provided that any such advances and repayments thereof shall be recorded in a separate account on the books of the company), and

¹³ F. R. 2504, 2585 DI.

It is further ordered, That Robert P. | Act to determine whether said Dover Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 4, 1939.

The matter concerned herewith is in regard to application of Dover Casualty Insurance Company, of Wilmington, Delaware, for an order declaring it not to be a subsidiary company of Associated Gas and Electric Company, Associated Gas and Electric Corporation, and Associated Utilities Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR. Secretary.

[F. R. Doc. 38-3812; Filed, December 19, 1938; 10:50 a. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of December, A. D. 1938.

[File Nos. 31-453, 60-4, 60-5]

IN THE MATTER OF DOVER CASUALTY INSURANCE COMPANY

ORDER FOR CONSOLIDATION OF HEARINGS FOR STATED PURPOSES

The Commission now having pending before it the following related matters:

- (1) File No. 31-453.-Application of . Dover Casualty Insurance Company pursuant to Section 2 (a) (8) of the Public Utility Holding Company Act of 1935 to be declared not to be a subsidiary company of Associated Gas and Electric Company, Associated Gas and Electric Corporation and Associated Utilities Corporation.
- (2) File No. 60-4.-Proceeding pursuant to Section 2 (a) (8) (B) of said Act to determine whether said Dover Casualty Insurance Company shall be declared to be a subsidiary company of Associated Gas and Electric Company, Associated Gas and Electric Corporation, and Associated Utilities Corporation, or any of them.
- (3) File No. 60-5.-Proceeding pur-

Casualty Insurance Company shall be declared to be an affiliate of Associated Gas and Electric Company, Associated Gas and Electric Corporation, and Associated Utilities Corporation, or any of

It appearing that such proceedings involve common questions of law and fact; that evidence offered in respect to each matter may have a bearing on the others; that the parties in the respective matters are identical; and that substantial saving in time, effort and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter and so that the evidence adduced in each matter may stand as evidence in the others for all purposes:

It is ordered, That the matters referred to in (1), (2), and (3) hereof, Commission's File Nos. 31-453, 60-4, and 60-5 be and they hereby are consolidated for the purpose of hearings thereon. The Commission reserves the right, if at any time it may appear conducive to an orderly and economical disposition of any of such matters, to order a separate hearing with respect to the same or any part thereof, or to close the record with respect thereto and/or to take action thereon prior to closing the record on said other matters.

By the Commission.

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-3813; Filed, December 19, 1938; 10:51 a. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of December, A. D. 1938.

[File No. 60-4]

IN THE MATTER OF DOVER CASUALTY INSURANCE COMPANY

NOTICE OF AND ORDER FOR HEARING DECLAR-ING SAID COMPANY TO BE A SUBSIDIARY OF CERTAIN HOLDING COMPANIES

The Commission having reasonable cause to believe that Dover Casualty Insurance Company, whose address is Delaware Trust Building, Wilmington, Delaware, stands in such relation to the following holding companies and each of them:

Associated Gas and Electric Company, of Ithaca, New York;

Associated Gas and Electric Corporation, of Wilmington, Delaware; and

Associated Utilities Corporation, of Wilmington, Delaware:

that its management and policies are subject to a controlling influence, directly or indirectly, by such holding companies ment or understanding with one or more other persons) so as to make it necessary and appropriate in the public interest and for the protection of investors and consumers that said Dover Casualty Insurance Company be subject to the obligations, duties and liabilities imposed upon subsidiary companies of holding companies by the Public Utility Holding Company Act of 1935.

It is ordered, Pursuant to Section 2 (a) (8) (B) of said Act that a hearing be held to determine whether such relation exists and, if such relation is found to exist, to declare Dover Casualty Insurance Company to be a subsidiary of the above named holding companies and each of them.

It is further ordered, That such hearing be held on January 9, 1939 at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to said Dover Casualty Insurance Company and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 4, 1939.

By the Commission.

SEAT. 1

Francis P. Brasson, Secretary.

[F. R. Doc. 38-3814; Filed, December 19, 1938; 10:51 a.m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of December, A. D. 1938.

[File No. 60-5]

IN THE MATTER OF DOVER CASUALTY IN-SURANCE COMPANY

NOTICE OF AND ORDER FOR HEARING DECLAR-ING SAID COMPANY TO BE AN AFFILIATE OF OTHER SPECIFIED COMPANIES

The Commission having reasonable suant to Section 2 (a) (11) (D) of said (either alone or pursuant to an arrange- cause to believe that Dover Castualty Insurance Company, whose address is Dela-1 ware Trust Building, Wilmington, Delaware, stands in such relation to

Associated Gas and Electric Company, of Ithaca, New York,

Associated Gas and Electric Corporation, of Wilmington, Delaware, and Associated Utilities Corporation, of Wilmington, Delaware,

and each of such companies that there is liable to be such an absence of arm'slength bargaining in transactions between them as to make it necessary or appropriate in the public interest and for the protection of investors and consumers that said Dover Casualty Insurance Company be subject to the obligations, duties and liabilities imposed upon affiliates of a company by the Public Utility Holding Company Act of 1935;

It is ordered, Pursuant to Section 2 (a) (11) (D) of said Act that a hearing be held to determine whether such relation exists and, if such relation is found to exist, to declare said Dover Casualty Insurance Company to be an affiliate of the other above-named companies and each of them.

It is further ordered, That such hearing be held on January 9, 1939 at 10:00 o'clock in the forencon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearingroom clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to said Dover Casualty Insurance Company and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to

that effect with the Commission on or before January 4, 1939.

By the Commission.

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-3815; Filed, December 19, 1938; 10:51 a. m.l

CIVIL SERVICE UNITED STATES COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS THURSDAY, DECEM-BER 15, 1938

Important.—Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts, and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

State .	of positions to which entitled	of positions occupied
IN ARREARS		
1. Puerto Rico 2. Hawaii 3. California 4. Alaska 5. Texas 6. Louisiana 7. Michigan 8. Arizona 9. New Jersey 10. South Carolina 11. Ohio 12. Oklahoma 13. Mississippi 14. Alabama 15. Arkansas 16. New Mexico 17. Georgia 18. North Carolina 19. Kentucky 20. Tennessee 21. Wisconsin 22. Illinois 23. Connecticut	997	411 155 7822 9 896 374 8788 84 813 813 -860 1, 521 661 473 625 443 102 743 812 680 761 859 92, 233

Number

Number

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State]	Number of positions to which entitled	Number of positions occupied
IN ARREARS	Conti	nued	
24. Oregon		364 35 1, 235 91 560 170 3, 672 4, 799 194 659 717	318 31 1, 095 81 524 160 3, 489 4, 577 189 655 715
QUOTA 1	FILLED	·	
35. Wyoming		. 86	86
State	Number of positions to which entitled	occu-	
IN EX	CESS		
36. Maine. 37. Massachusetts. 38. Missouri. 39. New Hampshire. 40. Vermont. 41. Washington. 42. Minnesota. 43. Colorado. 44. North Dakota. 45. Montana. 46. Rhode Island. 47. South Dakota. 48. Iowa. 49. Nebraska. 50. Virginia. 51. Maryland. 52. District of Columbia.	177 137 596 977 395 260 205 262 264 942 524 923	1, 636 1, 401 1186 1141 1141 1157 1157 1157 1157 1157 1157	10 +10 -54 +9 -1 +50 -50 +21 +17 -11 +17 -11 +27 +9 15 -3 77 -11 -23 -19
GAINS 217 By reinstatement 5 5 By transfer 34			
By separation 50 By transfer 190 Total 240 Total Appointments 47, 559 Note Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's opinion of Aug. 25, 1934, 14,464. By direction of the Commission:			
[SEAL] Executive Director	and C	A. Mor hief Ex	caminer.

[F. R. Doc. 38-3808; Filed, December 19, 1938; 10:42 a. m.]